



**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

**FORTY-THIRD SESSION, BALI (INDONESIA)**

**21-25 JUNE 2004**

**PROVISIONAL AGENDA**

**I. Organizational Matters**

1. Consideration and adoption of Agenda
2. Election of the President and the Vice-President
3. Admission of Observers
4. Admission of new Members
5. Report of the Secretary General on the Work of the AALCO
6. Report on the AALCO's Regional Centres for Arbitration
7. Report on the AALCO's Center for Research and Training
8. Review of the Statutes and Statutory Rules of the Organization
9. Venue of the Forty-fourth Session.

**II. Matters under Article 4 (a) of the Statutes: Matters relating to the International Law Commission.**

Report on matters relating to the work of the International Law Commission at its Fifty-fifth Session.

**III. Matters under Article 4 (c) of the Statutes: Matters Referred to the Organization by Member States.**

1. Law of the Sea
2. 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.
3. Jurisdictional Immunities of States and their Property.
4. Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties
5. 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. An Effective International Legal Instrument Against Corruption
3. Expressions of Folklore and its International Protection<sup>1</sup>

**V. International Trade Law Matters**

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

**VI. Special Meeting on the topic:**

Establishing Cooperation against Trafficking in Women and Children

**VII. Any Other Matter**

**ANNEXURE**

**Annotated Provisional Agenda of the Forty-Third Session**

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<sup>1</sup> This item is proposed to be included in the Agenda of the 43<sup>rd</sup> Session (Bali 2004). This proposal is in line with Article 4(d) of the AALCO's Statutes which provides for exchange of views and information on matters of common concern having legal implications.

## **ANNEXURE**

### **ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

#### **ANNOTATED PROVISIONAL AGENDA FOR THE FORTY-THIRD SESSION**

##### **I. Introduction**

1. The Provisional Agenda has been prepared following Rule 11(1) of the AALCO's Statutory Rules. Before the 41<sup>st</sup> Session of the AALCO held in Abuja from 15-19 July 2002, the Secretariat had been preparing documents-reports on all items on the agenda and all the items were deliberated on the Annual Sessions.

2. However, before the 42<sup>nd</sup> Session held in Seoul, Republic of Korea, from 16-20 June 2003, the Host Government of the 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 matter was raised at AALCO's Legal Adviser's Meeting in New York held on 20<sup>th</sup> November 2002 and in the Liaison Officer's 279<sup>th</sup> and 280<sup>th</sup> Meetings held in New Delhi on 19 December 2002 and 5 March 2003 respectively.

3. The 42<sup>nd</sup> Session adopted this innovative approach and there were 9 items which were deliberated. However, to keep the Member States well informed, the Secretariat had prepared brief reports on all the items on the agenda and all the non-deliberated items were also reflected in the Report of the Secretary-General on the work of the AALCO. This approach adopted at the Seoul Session proved quite constructive and successful.

4. Following this successful practice at the Seoul Session, the 43<sup>rd</sup> Session to be held in Bali, Indonesia from 21-25 June 2004 would adopt the same approach. Therefore, apart from the consideration of items on Organizational matters, ten substantive items have been proposed for consideration as deliberated item for in-depth discussion.

##### **II. Annotated List**

###### **1. Chairing of the Session**

Rule 3(1) provides that the President of the previous session shall preside until the Member States elects a President for the Session. Accordingly, Hon'ble Amb. Young-jin Choi, Chancellor of the Institute of Foreign Affairs and National Security, Republic of Korea shall preside at the Inaugural and First Meeting 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 22<sup>nd</sup> 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 and attended exclusively by Delegations of Member States.

## **6. Admission of New Members**

Rule 4 provides that the Organization may by a decision supported by a two-third majority of the Participating States admit the Participation of an Asian or African State, if such a State by written communication addressed to the Secretary General of the organization intimates its desire to participate in the Organization and its acceptance of the Statutes and the rules framed there under. Such decision may be taken by means of a resolution adopted in any of its sessions.

Accordingly, the Government of the Republic of South Africa, in a letter dated 11 February 2004, expressed its desire to be admitted as Member State of the Asian African Legal Consultative Organization.

## **7. 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 President of the Organization is elected from a dignitary of the Member State hosting the Session.

## **8. 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 Member State in the African region and vice-versa.

## **9. 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.

## **10. 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 43rd Session covers the activities of this Organization since its 42nd Session, including the organizational, financial and administrative matters. It also makes a few suggestions for the work programme of the Organization subsequent to the 43rd 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:  
AALCO/43/BALI /2004/ ORG 1**

**11. The AALCO's Budget for the year 2004.**

In accordance with Rule 24(4), the AALCO's Budget for the year 2004 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 2004: AALCO/43/BALI/2004/ORG 2**

**12. 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 are to be submitted for consideration at the 43rd Session.

**Document: Report on the AALCO's Regional Centres for Arbitration: AALCO/43/BALI/2004/ORG 3**

**13. Report on the Center for Research and Training of the AALCO**

At the 40<sup>th</sup> 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 41<sup>st</sup> 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 measures taken included: (i) organizing a two-day seminar on "Strengthening Refugee Protection in Migratory Movements" jointly with the United Nations High Commissioner for Refugees (UNHCR) from 17 to 18 September 2003, New Delhi; (ii) upgrading website of AALCO to include useful links, i.e., the web links of the Ministries and other official websites of other AALCO Member States; a link, 'Legal Study Guide' created which provides information relating to the topics on the Work Programme of the AALCO. The Center plans to undertake three publications, i.e., the Yearbook of the Asian-African Legal Consultative Organisation, Quarterly Bulletin of Asian-African Legal Consultative Organisation and a Newsletter; organize training of officials from the Member States engaged in international law issues; to conduct in-depth research studies on selected topics on the Work Programme of the AALCO and to organize seminars and workshops on selected topics in collaboration with relevant organizations.

**Document: Report on the Center for Research and Training of the AALCO: AALCO/43/BALI/2004/ORG 4**

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

At the AALCO's 40<sup>th</sup> 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 a 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 41<sup>st</sup> 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 42<sup>nd</sup> session.

At the 42<sup>nd</sup> Session held in Seoul (Republic of Korea) 16-20 June 2003, the Secretary General gave his preliminary assessment and identified issues which needed to be studied more rigorously; given the sensitivity and complexities on some issues, it was felt that it would be necessary to continue informal consultations with the Liaison Officers before presenting the revised text to the next session. Accordingly, a Resolution No. 42/ORG.8 adopted mandating the Secretary General to continue his consultations with Member States concerning the comprehensive review of AALCO’s Statutes and Statutory Rules and prepare a draft revised text.

Thereafter, the Secretary-General submitted a “Revised Draft Text of the Statutes” for consideration of Member States. This draft will be discussed in April 2004. The Secretary-General, meanwhile requested all Member States desirous of becoming Members of the “Revision Committee of the Statutes and Statutory Rules” to send their responses to the Secretariat on or before 1 April 2004. So far responses were received from 15 Members<sup>2</sup>.

## **15. Venue of the Forty-fourth Session**

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<sup>2</sup> Apart from Ghana, the following 14 Member countries had conveyed their intention to the Secretariat for becoming Members of the Committee to revise the Statutes and Statutory Rules; (1) Tanzania; (2) Mongolia; (3) Saudi Arabia; (4) India; (5) Mauritius; (6) Arab Republic of Egypt; (7) Nigeria; (8) Japan; (9) China; (10) Qatar; (11) Syria; (12) Islamic Republic of Iran; (13) Sudan; and (14) Republic of Korea.

## **1. REPORT ON MATTERS RELATING TO THE WORK OF THE INTERNATIONAL LAW COMMISSION AT ITS FIFTY-FIFTH 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 43<sup>rd</sup> Session contains an overview of the ILC's work during its 55<sup>th</sup> 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, International Liability for Injurious Consequences Arising Out of Acts not Prohibited by International Law; Responsibility of International Organizations, Fragmentation of International Law: Difficulties arising from the diversification & expansion of International Law, and 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 (58<sup>th</sup> session) have also been incorporated in the Report.

**Document: Report on Matters relating to the work of the International Law Commission at its Fifty-Fifth Session  
AALCO/43/BALI/2004/SD/S 1**

## **2. LAW OF THE SEA**

The item "Law of the Sea" was taken up for consideration by the AALCO at the initiative of the Government of Indonesia in 1970 and has since been considered as one of the priority items at successive sessions of AALCO. With the coming into force of the United Nations Convention on the Law of the Sea (UNCLOS, 1982), AALCO oriented its programme focusing on issues related to the implementation of the Convention and monitoring the work of the Institution established within its framework. The documents prepared by the Secretariat for AALCO's Annual Session contained overviews of the Meetings of States Parties, works of the International Seabed Authority (ISA), International Tribunal of the Law of the Sea (ITLOS), and the Commission on the Limits of the Continental Shelf (CLCS). In addition, the Report also followed the developments held at the meetings of the United Nations Informal Consultative Process established by the General Assembly by its resolution 54/33. The Secretariat document on Law of the Sea for the Forty-third Session (Bali, 2004) is prepared on the similar pattern.

The Secretariat Report prepared for the Session provides an overview of the fourth meeting of the Consultative Process; the consideration of the Oceans and the Law of the Sea issues at the 58<sup>th</sup> Session of the General Assembly; activities under the UNCLOS and its Implementing Agreements, particularly the status of the UNCLOS



and its implementing Agreements; thirteenth Meeting of States Parties to the UNCLOS' 82; second round of informal consultations of States Parties to Fish Stocks Agreement; progress in the works of the International Seabed Authority, Commission on the Limits of Continental Shelf and the settlement of disputes by the ITLOS. It may be recalled that 2004 marks the tenth year of the entry into force of the UNCLOS and Article 312 of the Convention provides that States Parties to UNCLOS can through a written communication addressed to the UN Secretary-General request for the convening of a Conference to consider amendments to the Convention. In view of this, any AALCO Member State wishing to suggest any amendment to the Convention may raise such proposals at the forthcoming Bali Session, so that these proposals could be taken up for in-depth and focused deliberations and a consensus could be achieved on the position of AALCO Member States regarding these proposals.

**Document : Law of the Sea, AALCO/43/BALI/2004/SD/S 2**

**3. 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 27<sup>th</sup> 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 37<sup>th</sup> Session (New Delhi, 1998) the scope of the topic was expanded to “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”

At the 39<sup>th</sup> 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 42<sup>nd</sup> Session (Seoul, 2003) the Secretariat reported on legal developments concerning Israeli Practices in all occupied territories, including violations of the Fourth Geneva Convention of 1949 and the United Nations resolutions.

For the forthcoming 43<sup>rd</sup> Session (Bali, 2004) the present topic was chosen as one of the substantive items for in-depth consideration. In order to facilitate discussions at the 43<sup>rd</sup> Session, the Document prepared by the Secretariat, besides giving detailed background information and highlighting the recent developments, contains a description of Israeli activities that amount to violation of 1949 Geneva Convention and also includes violations of international law by Israel including United Nations Security Council and General Assembly Resolutions.

**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/43/BALI/2004/SD/S 4**

#### **4. EXTRA-TERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES**

The item was first placed on the agenda of the 36<sup>th</sup> Session (Tehran, 1997) following a reference made by the Government of the Islamic Republic of Iran under Article 4(b) of the Statutes of the Organization. The Explanatory Note submitted by the Government of the Islamic Republic of Iran requested the AALCO to carry out a comprehensive study concerning the legality of unilateral measures taking into consideration the positions of various governments, including the position of Member States. After preliminary discussions at the 36<sup>th</sup> and the 37<sup>th</sup> sessions an Expert Group Meeting was held in Tehran for an in-depth consideration of the issues involved.

The item has been discussed at the Accra Session (1999); Cairo Session (2000); New Delhi (2001); and the Abuja Session (2002). At the 42<sup>nd</sup> Session (Seoul, 2003), the item was a non-deliberated and the resolution adopted directed the Secretariat to continue to study legal implications related to the “Extra-territorial Application of National Legislation: Sanctions Imposed against Third Parties” and the executive orders imposing sanctions against target States and reiterated its request to Member States to provide relevant information to the Secretariat.

The brief for the Forty-third session contains a study of the legal issues involved in the topic. It also highlights the response of the international community particularly at the United Nations General Assembly and by the Non-aligned Movement in the year 2003 on the agenda item.

**Document: Extra-territorial Application of National Legislation: Sanctions Imposed against Third Parties  
AALCO/43/BALI/2004/SD/S 6**

#### **5. 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 58<sup>th</sup> Session (2003) in its resolution 58/74 decided to reconvene an Ad Hoc Committee to carry forward the work on the subject.

The Secretariat brief on this topic reports on the deliberations at the Sixth Committee (Legal) of the UN General Assembly (58<sup>th</sup> Session) and on the outcome of the Ad Hoc Committee meeting held in March 2004.

The Ad Hoc Committee has adopted preamble and final clauses for a draft Convention on Jurisdictional Immunities of States and Their Property. Thus, the AALCO Session might wish to deliberate on the final form the draft articles and the possibility of the adoption of draft articles as a Convention.

**Document: Jurisdictional Immunities of States and Their Property:  
AALCO/43/BALI/2004/SD/S 8**

## **6. THE INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS**

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

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

At the 38<sup>th</sup> 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 39<sup>th</sup>, 40<sup>th</sup>, and 41<sup>st</sup> Session, the Secretariat reported on the developments on the work of the Preparatory Commission. The Secretariat Report for the 42<sup>nd</sup> Session focused upon the entry into force of the Rome Statute of International Criminal Court, 1<sup>st</sup> July 2002, and developments following it such as the First Session of the Assembly of States Parties, election of judges and the inauguration of the Court. In addition, it also elaborated 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.

The Secretariat Report for the 43<sup>rd</sup> Session focuses upon the Second Session of the Assembly of States Parties; facts pertaining to the first possible cases before the ICC, and the consideration of issues pertaining to the ICC in the year 2003 at the United Nations General Assembly and the Security Council.

**Document: The International Criminal Court: Recent Developments:  
AALCO/43/BALI/2004/ SD/S 10**

## **7. AN EFFECTIVE INTERNATIONAL LEGAL INSTRUMENT AGAINST CORRUPTION**

At the 41<sup>st</sup> 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. The item was discussed at the AALCO’s 41<sup>st</sup> and 42<sup>nd</sup> Session and a resolution was adopted urging the Member States to actively participate in the work of the Ad Hoc Committee negotiation on the Convention against Corruption.

The Secretariat brief for the 43<sup>rd</sup> Session provides an:

- (a) An overview of the UN Convention against Corruption; and
- (b) The High-Level Political Conference for the purpose of Signing the UN Convention against Corruption, Mexico, 9-11 Dec. 2003. The developments in the sixth and seventh negotiating Sessions of the Ad Hoc Committee drafting the UN Convention against Corruption and Modifications made in the Convention against Corruption by the Ad Hoc Committee and the Final Renumbered Articles are annexed to the Report.

It is suggested that during the discussion in the AALCO’s 43<sup>rd</sup> Session Member States focus their attention on ratification and implementation of the Convention and enacting national legislations.

**Document: An Effective Legal Instrument against Corruption  
AALCO/42/BALI/2004/SD/S 12**

## **8. WTO AS A FRAMEWORK AGREEMENT AND CODE OF CONDUCT FOR WORLD TRADE**

At the 34<sup>th</sup> Session (1995) held at Doha, the Organization considered a Secretariat study on the then concluded Marrakech 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 42<sup>nd</sup> Session focused on the Progress report on the implementation of the Doha Mandate; and Status of the review of the Dispute Settlement Understanding (DSU).

The Secretariat brief for the 43<sup>rd</sup> Session intends to provide an update on the developments in the Fifth WTO Ministerial Conference held in Cancun and progress

in the review process of the Understanding on Rules and Procedures Governing the Settlement of Disputes

During the discussion in the AALCO's 43<sup>rd</sup> Session, Member States could focus their attention 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/43/BALI/2004/SD/S 14**

## **9. HUMAN RIGHTS IN ISLAM**

The item "Human Rights in Islam" was included in the agenda of the AALCO at the initiative of the Kingdom of Saudi Arabia at its 41<sup>st</sup> Session (Abuja, 2002). For the 42<sup>nd</sup> Session, the Secretariat prepared a Preliminary Report highlighting the Saudi Arabia's proposal elaborated in their Memorandum. During the 42<sup>nd</sup> Session a brief discussion on the item was held and the resolution adopted at the Session decided to place it on the agenda of the 43<sup>rd</sup> Session of the Organization and requested Member States to send their comments and views to AALCO Secretariat, the Secretariat did not receive any feedback from Member States.

Accordingly, the Secretariat Report on this topic provides a comprehensive discussion of the understanding of the concept of human rights in Islam. It may be noted that due to the constraint of time and resources, in this Report of the Secretariat, the analysis of Human Rights in Islam has been limited only to the branch of civil law. Also, for further elaborating the content and quality of human rights in Islam, the Cairo Declaration on Human Rights in Islam issued by the Islamic Conference Organization in 1411 (1990) with an Explanatory Note has been annexed to the Brief.

**Document: Human Rights in Islam: AALCO/43/BALI/2004/SD/S.16**

## **10. EXPRESSIONS OF FOLKLORE AND ITS INTERNATIONAL PROTECTION**

Folklore is an important element of the cultural heritage of every nation and is a means of self-expression and social identity. However, there is widespread unfair and improper exploitation of folklore, especially in the developing countries, for commercial and business interests. The importance of folklore will be lost if no proper legal protection mechanism at national and international levels is undertaken. The existing intellectual property rights protection regime is inadequate to address all the issues involved in the protection of folklore.

At the 25<sup>th</sup> Session of the WIPO's General Assembly (2000), the WIPO Secretariat prepared a document which invited member States to consider the establishment of an Intergovernmental Committee (IGC) to discuss about the protection of the expressions of folklore. At the IGC Meeting, Asian and African countries had expressed strong opinion that there is a need to restart discussion on a possible international framework for the protection of folklore.

Keeping in view the extreme importance of the work undertaken by the WIPO IGC for the Asian and African countries, the Secretary-General of AALCO proposes to the AALCO Member States to include the “Expressions of Folklore and its International Protection” as an item on the Agenda of forthcoming 43<sup>rd</sup> Session of AALCO which will be held from 21-25 June 2004. This proposal is in line with Article 4(d) of the AALCO’s Statutes which provides for exchange of views and information on matters of common concern having legal implications.

The deliberations at the AALCO’s 43<sup>rd</sup> Session on the folklore issue could pave the way to hold a joint seminar of experts with WIPO on folklore matters. The joint Expert Meeting could also start discussing a draft of an International Instrument to Protect Expressions of Folklore. The outcome of the deliberations during the 43<sup>rd</sup> Session and at the Expert Meeting could be reported at the IGC’s Seventh Session in November 2004 with the hope that this exercise could be considered as a concrete step forward in the work of IGC in general and for the benefit of Asian and African Member States in particular.

**Document: Explanatory Note by the Secretary-General of AALCO  
Concerning the Item Entitled “Expressions of Folklore and Its  
International Protection” for inclusion as a New Item on the  
Provisional Agenda of the 43<sup>rd</sup> Session, Bali, Indonesia**