

(ii) **RESOLUTIONS ON SUBSTANTIVE MATTERS**

RES/40/1
24 June 2001

MATTERS RELATING TO THE WORK OF THE INTERNATIONAL LAW COMMISSION

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "Matters relating to the Work of the International Law Commission (ILC) at its fifty-second session", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.1,

Having heard with appreciation the statement of the Deputy Secretary General,

1. **Expresses** its appreciation on the comprehensive statement made by the Representative of the ILC on its work;
2. **Affirms** the significance of the contribution of the ILC to the progressive development of international law and its codification;
3. **Commends** the ILC on the progress of its work on the draft articles on the items on its agenda, particularly relating to "State Responsibility" and "Prevention of Transboundary Harm from Hazardous Activities";
4. **Urges** Member States to communicate their comments and observations on the questions formulated by the ILC on the topic of Diplomatic Protection;
5. **Requests** the Secretary General to bring to the attention of the International Law Commission at its fifty-third session the views expressed on the items on its agenda during the fortieth session of the AALCO; and
6. **Decides** to include an item entitled "The Report on Matters relating to the Work of the International Law Commission at its fifty- third session" on the agenda of its forty-first session.

RES/40/2
24 June 2001

LAW OF THE SEA

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on " Law of the Sea", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.2,

Recognizing the universal character of the United Nations Convention on the Law of the Sea and its legal framework governing the activities of the oceans,

Taking note of the establishment of the United Nations Open-ended Informal Consultative Process by the General Assembly to facilitate the annual review of the development in ocean affairs,

Also taking note of the adoption of the Regulations on Prospecting and Exploration of Polymetallic Nodules in the Area, and the efforts of the Secretary General of the International Seabed Authority to conclude contracts with the registered pioneer investors,

Welcoming the active role being played by the International Tribunal for the Law of the Sea in the peaceful settlement of disputes with regard to ocean related matters,

Having heard with appreciation the statement of the Deputy Secretary General,

1. **Reaffirms** that in accordance with Part XI of the Convention and the preambular paragraphs of the Agreement relating to the Implementation of Part XI and Regulations, the Area is the common heritage of mankind and should be used for the benefit of the mankind as a whole;

2. **Urges** the full and effective participation of Member States in the work of the International Seabed Authority and other related bodies established by the United Nations Convention on the Law of the Sea 1982, so as to ensure and safeguard the legitimate interests of developing and Least Developed Countries (LDC's); and

3. **Decides** to place this item on the agenda of its forty-first session.

RES/40/3
24 June 2001

THE STATUS AND TREATMENT OF REFUGEES

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on " The Status and Treatment of Refugees", contained in Document No. AALCC /XL / HQ (New Delhi) /2001/S.3,

Bearing in mind the adoption of a set of Principles on Status and Treatment of Refugees (Bangkok Principles) adopted at its eighth session held in Bangkok in 1966,

Recalling that an Addendum to the Bangkok Principles elaborating the 'right to return' was adopted at its eleventh session held in Accra in 1970 and another one concerning 'Principles of Burden Sharing' at the twenty-sixth session held in Bangkok in 1987,

Also recalling the decision taken at its Manila session held in 1996 that the Bangkok Principles needed to be updated and revised in the light of state practice in the Asian and African regions over the last thirty years,

Further recalling resolution 39/2 adopted at the Cairo session held in 2000, which *inter alia* mandated the Secretariat to complete the revision of the consolidated text of the Bangkok Principles and submit the same for adoption at the fortieth session,

Appreciating the efforts of the open-ended Working Group at its meeting held in New Delhi, in February 2001, to present a revised consolidated text for consideration of the Member States,

Also appreciating the UNHCR for its financial and technical assistance in the process of updating and adoption of the revised Bangkok Principles,

Taking note of the Rapporteur's report on the aforesaid meeting contained in document No.AALCC/XL/HQ(New Delhi)/2001/S.3,

Having considered the consolidated revised text of the Bangkok Principles,

Having heard with appreciation the statements of the Secretary General and the Representative of the UNHCR,

Affirming the declaratory and non-binding character of the revised Bangkok Principles on Member States and its objective to guide and inform them on relevant principles and general practices relating to the Status and Treatment of Refugees in the Asian and African regions,

1. **Adopts** the text of revised Bangkok Principles on the Status and Treatment of Refugees; and
2. **Decides** to place this item on the agenda of its forty-first session.

RES/40/4
24 June 2001

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 *

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat 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", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.4,

Mindful of the difficulties being faced in the implementation of the peace process,

Expressing the hope for the success of the peace efforts exerted by the international community for the achievement of a just and comprehensive

* The Delegation of the Islamic Republic of Iran disassociated itself from the third preambular paragraph and also the third operative paragraph and hence could not join the consensus on the resolution.

solution of the question of Palestine on the basis of General Assembly resolution 194 (1948) and other related resolutions and Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and of the Madrid formula of "land for peace" and the legitimate rights of the Palestinian people,

Having heard with appreciation the statement of the Deputy Secretary General as well as other delegations,

1. **Affirms** that strict adherence to the rules of international humanitarian law contributes to the establishment of peace and security;
2. **Also affirms** that violation of the rules of international law in general and those of international humanitarian law in particular jeopardises the possibility of achieving peace and security;
3. **Deplores** all actions, in violation of the rule of law, hindering the whole peace process, which is the only way to build confidence among all countries and peoples in the region and pave the way for peace and development among them within a framework of international protection;
4. **Affirms** that a comprehensive, just and durable solution will allow all the countries and peoples of the region to live in peace and security;
5. **Directs** the Secretariat to closely monitor the developments in the occupied territories from the viewpoint of relevant legal aspects; and
6. **Decides** to place this item on the agenda of its forty-first session.

RES/40/5
24 June 2001

THE EXTRA-TERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "The Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.5,

Recognizing the significance, complexity and the implications of the topic,

Expressing its concern that the imposition of unilateral sanctions on third parties is not in conformity with the Charter of the United Nations and accepted principles of international law,

Aware that extra-territorial application of national legislation in an increasingly interdependent world retards the progress of the sanctioned State and impedes the establishment of an equitable, multilateral, non-discriminatory, rule based trading regime,

Reaffirming the importance of adherence to the rules of international law in international relations,

Having heard with appreciation the statement of the Deputy Secretary General,

1. **Directs** the Secretariat to continue to study legal issues related to this item and to examine the issue of executive orders imposing sanctions against target States;
2. **Urges** Member States to provide to the Secretariat any national legislations and related information on this topic; and
3. **Decides** to place this item on the agenda of its forty-first session.

RES/40/6
24 June 2001

JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "Jurisdictional Immunities of States and Their Property", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.6,

Having taken note that an Ad Hoc Committee on Jurisdictional Immunities of States and Their Property would, within the framework of the UN General Assembly's Sixth Committee, meet for two weeks in March 2002,

Having heard with appreciation the statement of the Assistant Secretary-General,

1. **Urges** Member States to participate actively in the work of the Ad Hoc Committee on this subject;
2. **Also urges** Member States to submit their comments to the Secretary-General of the United Nations by 1 August 2001 on the Report of the Sixth Committee's Working Group on Jurisdictional Immunities of States and Their Property;
3. **Reiterates** the mandate of the Secretariat to compile national legislation, jurisprudence and practices of the AALCO Member States on this item and **renews** its request to Member States to transmit to the Secretariat any relevant materials in this regard;
4. **Directs** the Secretariat to continue monitoring the developments on this item and report to the next session; and
5. **Decides** to place this item on the agenda of the its forty-first session.

FOLLOW-UP OF THE WORK OF THE PREPARATORY COMMISSION CONCERNING SOME ASPECTS OF ROME STATUTE (JULY 1998) ESTABLISHING THE INTERNATIONAL CRIMINAL COURT

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on the "Follow-Up of the Work of the Preparatory Commission concerning some aspects of the Rome Statute (July 1998) establishing the International Criminal Court", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.7,

Taking note that the Statute for the International Criminal Court was opened for signature in Rome from 17 July until 17 October 1998 and thereafter in New York at the United Nations Headquarters until 31 December 2000,

Aware of the importance of the universal acceptance of the International Criminal Court,

Expressing its satisfaction on the progress of work achieved in the Preparatory Commission as well as the adoption of the Draft Rules of Procedure and Evidence and the Draft Elements of Crimes,

Having heard with appreciation the statement of the Secretary General,

1. **Encourages** Member States to consider, ratifying / acceding to the Rome Statute;
2. **Urges** Member States to actively participate in the work of the Preparatory Commission which has the mandate to prepare proposals for the establishment and coming into operation of the Court;
3. **Directs** the Secretariat to participate in the work of Preparatory Commission's forthcoming session and present a substantive report to its forty-first session; and
4. **Decides** to place this item on the agenda of its forty-first session.

THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT: FOLLOW-UP

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "The United Nations Conference on Environment and Development: Follow-Up", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.8,

Reaffirming that environmental protection constitutes an integral part of development process for sustainable development,

Acknowledging that climate change and its adverse effects are a common concern of mankind,

Having heard with appreciation the statement of the Deputy Secretary General,

1. **Urges** the international community, especially those developed countries with the highest levels of greenhouse gas emission, to fulfil their obligations under United Nations Framework Convention on Climate Change (UNFCCC), in particular, the transfer of technology and the provision of financial assistance and strive towards the early entry into force of the Kyoto Protocol;

2. **Directs** the Secretariat to continue to monitor the progress in the implementation of Agenda 21 and the follow-up work to the United Nations Conventions on the Climate Change, Biological Diversity and Combating Desertification; and

3. **Decides** to place this item on the agenda of its forty-first session.

RES/40/9
24 June 2001

THE PROGRESS REPORT CONCERNING THE LEGISLATIVE ACTIVITIES OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS CONCERNED WITH INTERNATIONAL TRADE LAW

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "The Legislative Activities of the United Nations and other International Organizations concerned with International Trade Law", contained in Doc.No. AALCC/XL/HQ(New Delhi)/2001/S.9,

Having heard with appreciation the statement of the Deputy Secretary General,

1. **Expresses** satisfaction for the continued co-operation with the various international organizations competent in the field of international trade law and hopes that this co-operation will be further intensified in future;

2. **Welcomes** the conclusion of a co-operation agreement between the AALCO and the World Intellectual Property Organization (WIPO);

3. **Commends** the United Nations Commission on International Trade Law (UNCITRAL) for its successful completion of the work relating to the Legislative Guide on Privately financed Infrastructure Projects;

4. **Welcomes** the substantial progress achieved in the UNCITRAL's Working Group on Assignments in Receivables Financing and hopes that it would be in a position to adopt the same by the year 2001;

5. **Urges** Member States to consider adopting, ratifying or acceding to the instruments prepared by the UNCITRAL; and

6. **Decides** to place this item on the agenda of its forty- first session.

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

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "WTO as a Framework Agreement and Code of Conduct for World Trade", contained in Document No. AALCC/XL/HQ(New Delhi)/2001/S.10,

Also having taken note of the Fourth WTO Ministerial Conference to be held at Doha, the State of Qatar, in November 2001,

Having heard with appreciation the statement of the Assistant Secretary-General,

1. **Welcomes** the set of confidence-building measures initiated within the WTO in the past year;
2. **Emphasizes** the urgency of addressing the special concerns of developing countries and those with economies in transition;
3. **Directs** the Secretariat to monitor the developments relating to the Fourth WTO Ministerial Conference, and report on its outcome at the forty-first session;
4. **Also directs** the Secretariat to continue to monitor the outcome of the review process concerning the WTO Dispute Settlement Understanding; and
5. **Further directs** the Secretariat, in the light of its ongoing work related to WTO, to examine and identify relevant legal issues that could appropriately be considered within the framework of AALCO's work programme; and
6. **Decides** to place this item on the agenda of its forty-first session.

INTERNATIONAL TERRORISM

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "International Terrorism", contained in Document No. AALCC/XL/HQ(New Delhi) /2001/ S.11,

Referring to the relevant resolutions of the United Nation's General Assembly on measures to eliminate international terrorism,

Reconfirms the repeated calls by the UN General Assembly to Member States, to refrain from dissemination of unverified and unascertained information related to elimination of international terrorism,

Expressing grave concern about the worldwide increasing acts of terrorism, which threatens the life and security of innocent people and impedes the economic development of the targeted States,

Taking note of the efforts to prevent, combat and eliminate terrorism through the elaboration of and adherence to international and regional Conventions,

Also taking note of the ongoing negotiations in the Ad hoc Committee established by the Sixth Committee of the General Assembly of the United Nations to draft a comprehensive international convention to combat terrorism,

Expressing hope for the early conclusion of a comprehensive international convention to combat terrorism,

Having heard with appreciation the statement by the Deputy Secretary-General,

1. **Directs** the Secretariat to monitor and report on the progress in the negotiations related to the drafting of a comprehensive international convention to combat terrorism; and

2. **Decides** to place this item on the agenda of its forty-first session.

ESTABLISHING CO-OPERATION AGAINST TRAFFICKING IN WOMEN AND CHILDREN

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on "Establishing Co-operation Against Trafficking in Women and Children", contained in Document No.AALCC/XL/HQ(New Delhi)/2001/S.12,

Mindful of the increasing number of women and children from developing countries who are being exploited by traffickers,

Convinced of the need to eliminate all forms of sexual violence and human trafficking, which are violations of human rights of women and children and are incompatible with the dignity and worth of the human person,

Conscious of the urgent need to adopt national, regional and international effective measures to protect women and children from this dreadful menace,

Having heard with appreciation the statement of the Secretary General,

1. **Urges** Member States to consider signing and ratifying the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children;
2. **Requests** Member States to transmit to the AALCO Secretariat their national legislations and other relevant information related to the topic;
3. **Requests** the Secretary General to explore the possibility of organizing a seminar to facilitate in-depth study on the subject especially the necessity and feasibility of drafting of any model legislation; and
4. **Decides** to place this item on the agenda of its forty-first session.

SPECIAL MEETING ON SOME LEGAL ASPECTS OF MIGRATION

The Asian African Legal Consultative Organization at its fortieth session,

Having considered the Report of the Secretariat on the "Special Meeting on Some Legal Aspects of Migration", organized jointly by the AALCO and the International Organization for Migration (IOM) and contained in document No.AALCC/XL/HQ (New Delhi)/2001/SP.1,

Aware of the situation of migrant workers and members of their families and the significant increase in migratory movements that has occurred, especially in certain parts of the world,

Also aware of the principles and norms established within the United Nations and other relevant organizations at both, the regional and international levels, and of the work done in connection with the protection of migrant workers,

Recalling the proposal of the Secretariat to draft a model legislation presented at the thirty-seventh session held in New Delhi, and the mandate conferred on the Secretariat at the same session to seek written comments from Member States on the utility of drafting a model legislation on the protection of migrant workers,

Also recalling the mandate conferred at the thirty-eighth session held in Accra, which requested the Secretary General to convene an open-ended Working Group for in-depth consideration of issues related to migrant workers,

Taking into consideration the comprehensive presentation made by the Director General of the IOM during his visit to the AALCO's Headquarters in October 2000 and the subsequent deliberations,

Having heard with appreciation the statements of the Secretary General, the Director General of IOM, other experts and the intensive deliberations from various delegations,

1. **Welcomes** the Co-operation Agreement concluded between the AALCO and the IOM;
2. **Expresses** its appreciation for the initiative of the AALCO Secretariat and the IOM for the convening of the Special Meeting on "Some Legal Aspects of Migration";
3. **Also expresses** gratitude to the International Organization for Migration (IOM) and its Director General for the technical and financial cooperation for the conclusion of the Special Meeting;

4. **Urges** Member States to adopt suitable legal and regulatory framework for the protection of legal rights of migrant workers and consider ratifying the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

5. **Directs** the Secretariat to explore the feasibility of drafting a Model Agreement for cooperation among Member States in issues related to Migrant Workers;

6. **Requests** the Secretary General to consider the possibility of convening an open-ended working group for in-depth consideration of these issues; and

7 **Decides** to place the item "Legal Protection of Migrant Workers" on the agenda of its forty-first session.
