

**VI. (ii) RESOLUTIONS ON ORGANIZATIONAL,  
ADMINISTRATIVE AND FINANCIAL MATTERS**

**RES/42/ORG 1  
20 June 2003**

**REPORT OF THE SECRETARY-GENERAL ON ORGANIZATIONAL,  
ADMINISTRATIVE, AND FINANCIAL MATTERS**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Conscious** of the functions and the purposes of the Organization as referred in Article 4 of the Statutes,

**Having considered** the Report of the Secretary-General on Organizational, Administrative and Financial Matters pursuant to Rule 20 (7) of Statutory Rules as contained in Document No. AALCO/XLII/SEOUL/2003/ORG 1,

**Appreciating** the efforts of the Secretary-General to enhance the activities of the Organization and to implement the work programme of the Organization as approved at its forty-first session in Abuja,

**Welcoming** the initiatives towards the rationalization of its work programme, including consideration of the agenda items during its annual session,

1. **Expresses its satisfaction** over the increasing co-operation between the Organization and the United Nations, its specialized agencies and other Intergovernmental Organizations;
2. **Approves** the work programme of the Organization for the year 2003 as set out in the Secretary-General's Report and urges Member States to extend their full support to the implementation of that programme;
3. **Requests** the Secretary-General to continue his efforts to enlarge the Membership of the Organization and to mobilize financial resources for the introduction of French as a Working language;
4. **Encourages** Member States to make voluntary contributions to support the organization of seminars/meetings or to conduct projects on any specific topic under the approved work programme of the Organization.

**AALCO'S BUDGET FOR THE YEAR 2003**

*The Asian-African Legal Consultative Organization at its forty-second Session,*

**Taking note** of the proposed budget for the year 2003 contained in Document No.AALCO/XLII/SEOUL/2003/ORG 2,

**Appreciating** the efforts of the Secretary-General towards economizing the expenditure and the optimum utilization of the finances of the Organization,

**Expressing concern** about the increasing arrears due to non-payment of annual contributions by some Member States,

**Taking into account** the recommendation on budgetary proposals for the year 2003, adopted by 280<sup>th</sup> Meeting of the Liaison Officers on 5<sup>th</sup> March 2003,

1. **Approves** the Budget for the year 2003 as proposed;
2. **Urges** Member States to pay their annual contributions for the year 2003 as soon as possible;
3. **Also urges** those Member States who are in arrears to take urgent steps expeditiously to clear the same and to fulfill their financial obligations;
4. **Requests** those Member States who are facing financial difficulties in defraying their annual contributions due to conditions beyond their control to furnish to the Secretary-General detailed information on those financial difficulties; and
5. **Also requests** the Secretary-General to follow-up, within Budgetary Advisory Panel of Liaison Officers and in the Meetings of Liaison Officers, the issues related to budget raised during the current session, to find means and ways to solve the aforesaid issues, including the problem of arrears and report on the implementation of this resolution at its forty-third session.

**PROGRESS REPORT ON REGIONAL CENTRES FOR ARBITRATION**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having taken note** of the Progress Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/ XLII/SEOUL/ 2003/ ORG 3,

**Reaffirming** the commitment by the government of Member States towards enhancing the role of the Regional Arbitration Centres,

**Recalling** its decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978,

**Expressing its satisfaction** over the increasing use of the facilities and the opportunities offered for both domestic and international arbitrations under the auspices of its Regional Arbitration Centres,

**Welcoming** the completion of the procedures applicable in Islamic Republic of Iran for adoption of the Agreement concluded between this Government and the AALCO in the establishment of the Regional Centre for Arbitration, dated 3 May 1997,

1. **Appreciates** the efforts and contributions of the Governments of the Arab Republic of Egypt, the Islamic Republic of Iran, Malaysia and Nigeria for hosting the respective Regional Arbitration Centres;
2. **Also appreciates** the promotional activities, undertaken by the Directors of the Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions;
3. **Reiterates** the earlier decision of the AALCO on the necessity for the governments of Member States to promote and support the use of the Regional Arbitration Centres,
4. **Congratulates** the Regional Centre for International Commercial Arbitration, Kuala Lumpur on the commemoration of its Twenty-fifth Anniversary in August 2003;
5. **Mandates** the Secretary-General to commence negotiation with the Government of the Islamic Republic of Iran to prepare administrative rules of arbitration to be followed by the Tehran Centre for Arbitration; and
6. **Decides** to place this item on the provisional agenda of its forty-third session

**AALCO'S CENTER FOR RESEARCH AND TRAINING**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having considered** the report of the Secretariat on the AALCO's Center for Research and Training, contained in Document No. AALCO/XLII/SEOUL/ 2003/ORG 4,

**Recognizing** the need and importance of the exchange of information between the Organization, the Member States, the United Nations and its specialized agencies, and other international organizations,

**Bearing in mind** the effective role of research and in-depth study in promoting the objectives of the Organization,

**Appreciating** the efforts of the Secretariat towards the establishment of a website and electronic mailing facilities, and its holding of consultation with the Advisory Panel of Liaison Officers on technical matters,

1. **Requests** the Secretariat to continue to update and improve the technical efficiency of the website for facilitating communication between the Secretariat, the Member States, the United Nations and its Specialized Agencies, and other international organizations;
2. **Also requests the** Secretary-General to foster capacity-building of the Center to carry out further research projects on international law and organize training programmes for the benefit of nationals of Member States handling international law issues;
3. **Urges** Member States to furnish information and other relevant materials in order to enhance the activities of the Center for Research and Training;
4. **Encourages** Member States to make voluntary contributions to enable the Center to undertake its envisaged activities; and
5. **Requests** the Secretary-General to report on the progress made in the work of the Center for Research and Training at its forty-third session.

**REAPPOINTMENT OF THE SECRETARY-GENERAL**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having considered** the Document No.AALCOXLII/SEOUL/2003/ORG.5

**Recalling** rule 20 (1) of its Statutory Rules,

**Recalling also** that it had, at its Thirty-ninth Session held in Cairo (2000), unanimously appointed Amb. Dr. Wafik Zaher Kamil, of the Arab Republic of Egypt, as the Secretary-General for a three year term commencing on **10 May 2000**,

**Taking note** that the current Secretary-General completed his term on 9<sup>th</sup> May 2003, and a letter in this regard was sent by him to the Governments of Member States on 24 March 2003,

**Also taking note** of the decision of the Government of the Arab Republic of Egypt extending its full support for the re-appointment of the current Secretary-General and its request for the support of Member States to his re-appointment, vide its Note dated 2 April 2003,

**Considering** that, in accordance with Rule 20(1) of its Statutory Rules the current Secretary-General is eligible for reappointment for a further term of three years,

**Also considering** that more than two-thirds of the Member Governments, supported officially the re-appointment of Amb. Dr. Wafik Zaher Kamil for another term of three years,

**Taking note** of the unanimous response of the Member States to the request of the President of the Session inviting them to endorse the re-appointment of Amb. Dr. Wafik Z. Kamil by acclamation,

1. **Acknowledges** with appreciation the significant contribution made by the current Secretary-General in enhancing the image, role and activities of the Organization, and in rationalizing its work programme, and his wise management of its budget; and
2. **Decides** to reappoint Amb. Dr. Wafik Z. Kamil as the Secretary-General with effect from 10 May 2003, for a second and final term.

**ESTABLISHMENT OF THE PERMANENT HEADQUARTERS OF THE ASIAN  
-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Recalling** the decision (Res. No. SS/1997/1) adopted at its Special Session in New Delhi on 14 October 1997, by which it decided that its permanent headquarters be located in New Delhi,

**Also recalling** the Headquarters Agreement signed between the Asian-African Legal Consultative Organization and the Government of India, on 26 April 2000,

**Taking Note** of the Progress made in the construction of its Headquarters Building and the residence of the Secretary-General,

1. **Expresses its appreciation** to the Government of India for the support and co-operation extended for the establishment of the Permanent Headquarters of the Organization and the excellent progress achieved in this respect; and
2. **Expresses its hope** that the construction work will be completed according to the proposed time-table;
3. **Requests** the Secretary-General to continue his efforts for the speedy completion of the construction work of the Headquarters Building and report on the progress in this regard at its forty-third session.

**RES/42/ORG 7**  
**20 June 2003**

**ADMISSION OF BRUNEI DARUSSALAM AS A MEMBER STATE OF THE ORGANIZATION**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Recalling** Article 1 of its Statutes which stipulates the membership of the Organization shall also consist of other Asian-African States that are or may be admitted,

**Appreciating** the efforts of the Government of the Republic of Korea in inviting Brunei Darussalam to become a Member State of the Organization,

**Taking Note of** the written communication from the Government of Brunei Darussalam addressed to the Secretary-General expressing its desire to participate as a Member State and to accept the Statutes and Statutory Rules of the Organization, intimated to Member States by the Secretary-General,

**Decides** pursuant to Rule 4 of the Statutory Rules, unanimously to admit Brunei Darussalam as a Member State of the Organization.

**REVIEW OF AALCO'S STATUTES AND STATUTORY RULES**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Recalling with appreciation** the proposal of the Republic of Ghana on the need to review and update AALCO's Statutes and Statutory Rules,

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

1. **Requests** the Secretary-General to continue his consultations with the Member Governments concerning a comprehensive review of AALCO's Statutes and Statutory Rules and prepare a draft revised text;
2. **Requests also** the Secretary-General after due consultation with Liaison Officers to seek the feasibility of convening an inter-sessional meeting for the purpose of paragraph 1 prior to the Forty-third Session; and
3. **Decides** to consider the Report of the Secretary-General at its forty-third session.



**VENUE OF THE FORTY-THIRD SESSION**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Taking note** with great appreciation, of the invitation received from the Government of Republic of Indonesia to host AALCO's Forty-third Session in 2004,

1. **Decides** to accept the invitation from the Government of Republic of Indonesia;  
and
  
2. **Requests** the Secretary-General to hold consultations with the Government of Republic of Indonesia to prepare administrative arrangements of the Session, including the dates of the session and inform the Member Governments accordingly.

**AALCO'S DOCUMENTATION POLICY**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Recognizing** that AALCO, as an active international organization of the Asian-African regions, prints and publishes an increasing number of documents,

**Conscious** of the need to adopt a documentation policy, to categorize all AALCO documents and confer appropriate symbols on them, in order to ensure maximum efficiency,

**Appreciating** the initiative of the Republic of Korea for its proposal and the AALCO Secretariat for its efforts in establishing an AALCO Documentation Policy,

1. **Decides** to adopt AALCO's Documentation Policy, as annexed to this resolution.

## AALCO's DOCUMENTATION POLICY

### *Annual Session Documents*

#### *I. Prior to the Session*

**1. Secretariat Document (SD):**

AALCO/42/SEOUL/2003/SD/S 1 (Substantive matters)  
AALCO/42/SEOUL/2003/SD/S 1/Add 1  
AALCO/42/SEOUL/2003/SD/ORG 1 (Organizational Matters)  
AALCO/42/SEOUL/2003/ORG 1/Add 1  
AALCO/42/SEOUL/2003//SP 1 (Special Meetings)

**2. Provisional Agenda and Explanatory note**

AALCO/42/SEOUL/2003/PRV.AG

**3. Draft Resolution:**

AALCO/RES/DFT/42/S 1 or ORG 1

**4. Arabic/French**

AALCO/42/SEOUL/2003/SD/S 1  
Arabic/French

#### *II. Post-Session*

**4. Provisional Summary Record (PSR):**

AALCO/42/SEOUL/2003/PRV.SR/GM (General Meetings)  
AALCO/42/SEOUL/2003/PRV.SR/MOD (Meetings of Delegations)

**5. Reports (REP):**

AALCO/42/SEOUL/2003/REP

**6. Verbatim Record (VR):**

AALCO/42/SEOUL/2003/VR

**7. Printed Report and Selected Documents (RSD):**

AALCO/42/SEOUL/2003/RSD

**III. *Inter-Sessional Meetings***

**1. Legal Advisors Meeting in New York**

AALCO/LAM/REP/NY/2003

**2. Notes and Comments on Selected Items**

AALCO/Notes&Comments/2003

**3. Seminars**

AALCO/SEM/REP/SUBJECT/DATE

**4. Workshops**

AALCO/WS/REP/SUBJECT/DATE

**5. Expert Group Meetings**

AALCO/EGM/REP/SUBJECT/DATE

**IV. *Documents of Liaison Officers Meetings (LOM)***

**1. Draft Agenda**

**2. Draft and final Minutes of the Meeting**

LOM/M/280/Date

**V. *Advisory Panel Meetings***

**1. Center for Research and Training (CRT)**

AALCO/Ad.PM/CRT/Meeting No./Date

**2. Miscellaneous**

AALCO/Ad.PM/Misc/Date

**VI. Publications**

**1. Bulletins**

Vol/No./Date

**VII. Statements of the SG/DSG/ASG**

AALCO/SG/Stat/Venue/Date

**VIII. Proposals from Member States to be distributed**

AALCO/MS/PROP/42/2003

**Explanatory note:**

This proposal on the documentation policy of AALCO has been prepared pursuant to a proposal received from the Republic of Korea. The documents fall basically under three main headings I. Documents Prepared Before the Session; II. Documents Prepared after the Session; and III. other documents. These categories are then further divided under eight detailed categories. **This proposal was discussed at a office meeting on 4 June 2003 and is to be finalized after approval from Secretary-General. (SEEK CLARIFICATION FROM SG)**

## VI. (iii) RESOLUTIONS ON SUBSTANTIVE MATTERS

RES/42/1  
20 June 2003

### MATTERS RELATING TO THE WORK OF THE INTERNATIONAL LAW COMMISSION

#### *The Asian-African Legal Consultative Organization at its forty-second session*

**Having taken note**, with appreciation, of the Report of the Secretariat on Matters Relating to the Work of the International Law Commission (ILC) at its fifty-fourth session set out in Document No. AALCO/XLII/SEOUL/2003/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. **Urges** Member States to communicate their comments and observations regarding issues identified by the ILC on various topics currently on its agenda;

4. **Requests** the Secretary-General to bring to the attention of the ILC at its fifty-fifth session the views expressed on the items on its agenda during the forty-second session of the AALCO;

5. **Supports** the convening of a meeting on a topic on the ILC Agenda during the Legal Advisers' Meeting; and

6. **Decides** to place an item entitled "The Report on Matters relating to the Work of the International Law Commission" on the provisional agenda of its forty- third session.

## LAW OF THE SEA

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Taking note** of the Secretariat Document No. AALCO/XLII/SEOUL/2003/S 2 entitled "Law of the Sea",

**Recognizing** the universal character of the United Nations Convention on the Law of the Sea 1982, and its legal framework governing the activities of the oceans,

**Welcoming** the extension of a further period of three years to the United Nations Open-ended Informal Consultative Process, established by the General Assembly as set out in Resolution 57/141, to facilitate the annual review of the developments in ocean affairs,

**Also 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,

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General,

1. **Reaffirms** that in accordance with Part XI of the UN Convention on the Law of the Sea, 1982, 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 its 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, as well as in the United Nations Informal Consultative Process so as to ensure and safeguard their legitimate interests; and

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

**RES/42/3**  
**20 June 2003**

**THE STATUS AND TREATMENT OF REFUGEES**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Taking note** of the Secretariat Document No. AALCO/XLII/SEOUL /2003/S.3 on the “Status and Treatment of Refugees”,

**Recalling** the resolution (RES/41/3) adopted at its forty-first Session, which directed the Secretary-General to explore the possibility of convening a Workshop in Co-operation with UNHCR for in-depth consideration of issues related to Status and Treatment of Refugees;

**Welcoming** the initiative of the Secretary-General to convene the Workshop in co-operation with UNHCR, on 17 and 18 September 2003, in New Delhi;

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General,

1. **Appreciates** UNHCR’s financial assistance with meeting the cost of the participation of experts and the technical assistance in the preparation of the documents for the Workshop;

2. **Requests** the Governments of Member States to participate in the Workshop at a high level; and

3. **Decides** to place the item on “Status and Treatment of Refugees” on the provisional agenda of its forty-third session.



**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 forty-second session,*

**Having** considered Document No. AALCO/XLII/SEOUL/2003/S.4 on this item,

**Having heard** with appreciation the statements of the Secretary-General as well as other delegations,

**Mindful** of the serious obstacles created by the occupying power which hinder the achievement of peace in the region,

**Condemning** Israel's acts of violence and use of force against Palestinians, resulting in injury, loss of life and destruction, coercive migration and deportation in violation of Human Rights and the Fourth Geneva Convention of 1949,

**Stressing** the need for compliance with existing Israeli – Palestinian agreements concluded in order to reach a final settlement,

**Concerned** about the continuing dangerous deterioration of the situation in the occupied Palestinian Territory, including Jerusalem, and about the severe consequences of continuous illegal Israeli settlements activities as well as the harsh economic conditions and other consequences for the Palestinians, resulting from the frequent closures and isolation of the occupied Palestinian territories, and about war crimes and crimes against humanity committed in these territories, and calling for the implementation of resolution 1405(2002) on the dire humanitarian situation of the Palestinian population and the fact finding team,

**Expressing hope** for the success of the peace efforts exerted by the international community for the achievement of a just and comprehensive solution of the question of Palestine on the basis of Security Council resolutions 194 (1949), 242 (1967), 338 (1973), 425 (1978) and 1397(2002) on the formula of "land for peace" and the legitimate rights of the Palestinian people, and expressing solidarity with the Palestinian people and their elected leadership,

**Welcoming** the proposal of the Secretary-General of the United Nations on the establishment of a robust and credible multinational force and calls on the members of the Security Council to consider the measures necessary in this regard,

1. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in time of war of 12 August 1949, in order to protect the rights of Palestinians;

2. **Also reiterates the demand** for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction of property and calls for the immediate and full withdrawal of Israeli (occupying) forces from Palestinian cities in implementation of Security Council Resolution 1402 (2002) and 1403 (2002) as a first step for ending the Israeli occupation of Palestinian land occupied since 1967;

3. **Calls upon** Israel to ensure facilitate the return of refugees and displaced Palestinians to their homes and the restoration to them of their properties, in compliance with the relevant UN resolutions;

4. **Affirms** that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the existing agreements between the parties and the relevant Security Council and General Assembly resolutions, which will allow all the countries of the region to live in peace, security and harmony;

5. **Directs** the Secretariat to closely follow-up the developments in occupied territories from the view point of relevant legal aspects; and

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

## LEGAL PROTECTION OF MIGRANT WORKERS

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having taken note** of the Secretariat Document No. AALCO/XLII/SEOUL/2003/S.5 on this item,

**Recalling** the directive given to the Secretariat at its fortieth Session by its Resolution 40/SP.1, to consider the drafting of a Model Agreement for Co-operation among Member States on issues related to Migrant Workers,

**Appreciating** the efforts of the Secretariat in the preparation of the Revised Draft Model Regional Co-operation Agreement between States of Origin and States of Destination/Employment within AALCO Member States in collaboration with the International Organization for Migration (IOM),

**Stressing** the importance of efforts of the UN General-Assembly to make a resolution for the protection of female Migrant Workers,

**Aware** of the problems faced by sending, transitory and receiving States concerning migrant workers in particular and migration in general,

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General,

1. **Urges** Member States to adopt a suitable legal and regulatory framework for the protection of the legal rights of migrant workers and review concrete programmes and also to consider ratifying the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their families;

2. **Welcomes** the Secretary-General's initiative to convene an expert group meeting in collaboration with the IOM for in-depth consideration of the Revised Draft Model Regional Co-operation Agreement;

3. **Requests** Member States to provide the Secretariat with their comments and suggestions on the Revised Draft Model Regional Co-operation Agreement and to participate actively in the expert group meeting; and

4. **Decides** to place the item "Legal Protection of Migrant Workers" on the provisional agenda of its forty-third session.

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

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having considered** the item on the Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties as set out in the Secretariat Document No. AALCO/XLII/SEOUL/2003/S.6;

**Recognizing** the significance, complexity and implications of the above 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 the general principles of international law, particularly non-interference in internal affairs, sovereign equality, freedom of trade and peaceful settlement of disputes,

**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 rules of international law in international relations,

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General,

1. **Directs** 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;
2. **Urges** Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this topic; and
3. **Decides** to place this item on the provisional agenda of its forty-third session.

## JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having considered** the item “Jurisdictional Immunities of States and Their Property” as set out in Doc. No.AALCO/XLII/SEOUL/2003/S.7,

**Having taken note** of the Report of the Meeting of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property held at the UN Headquarters in February 2003,

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

1. **Commends** the Ad Hoc Committee on Jurisdictional Immunities of States and their Property for the progress achieved in narrowing down differences on the outstanding substantive issues and the adoption of a text of draft articles on the topic;
2. **Urges** its Member States to participate actively in the work of the Sixth Committee of the UN General Assembly on this subject;
3. **Reiterates** the mandate of the Secretariat to compile national legislation, jurisprudence and practices of Member States on this item and renews its request to those Member States who have not done so, to transmit to the Secretariat any relevant materials in this regard;
4. **Directs** the Secretariat to continue following up the developments on this item and report to the next session; and
5. **Decides** to place this item on the provisional agenda of its forty-third session.

## INTERNATIONAL TERRORISM

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Taking Note of** the Secretariat Document No. AALCO/XLII /SEOUL/2003/S.8 on International Terrorism,

**Recalling** the relevant resolutions of the United Nation's General Assembly relating to measures to eliminate international terrorism and 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 General Assembly of the United Nations by its resolution 51/210 of 17 December 1996 to elaborate a comprehensive international convention to combat terrorism,

**Expressing grave concern** about the worldwide increase in acts of terrorism, which threatens the life and security of innocent people and impedes the economic development of the targeted states,

**Reaffirming** the importance of that international effort to eliminate terrorism must take into consideration the rule of law, human rights and international humanitarian law,

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

**Taking note,** with appreciation, of the comments included in the Report of the Secretary-General,

1. **Directs** the Secretariat to monitor and report on the progress in the Ad Hoc Committee of negotiations related to the drafting of a comprehensive international convention to combat terrorism;
2. **Requests** the Secretariat to carry out, an in-depth study on this topic to enhance the participation of the Member States in the work of Ad Hoc Committee negotiations;
3. **Also requests** the Secretariat to collect national legislation enacted by Member States to combat terrorism to facilitate exchange of information among Member States; and
4. **Decides** to place the item on the provisional agenda of its forty-third session.

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

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having considered** the Secretariat Document No. AALCO/XLII/SEOUL/2003/S.9,

**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 the rights of women and children and are incompatible with the dignity and worth of the human person,

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

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

1. **Urges** Member States 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;

2. **Acknowledges and appreciates** that several Member States have transmitted to the AALCO Secretariat their national legislations and other relevant information related to the topic, and urges others to do so;

3. **Directs** the Secretariat to monitor and report on the developments in this regard, including the work undertaken by various international organizations;

4. **Requests** the Secretary-General to explore the possibility of organizing a seminar to facilitate in-depth study on the subject, and to review and assess the measures undertaken by Member States to protect the victims of trafficking in all its forms to facilitate any model legislation; and

5. **Decides** to place this item on the provisional agenda of the forty-third session.

**THE INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having considered** the Secretariat Document No. AALCO/XLII/SEOUL/2003/S.10 and AALCO/XLII/SEOUL/2003/S.10 Add.1,

**Welcoming** the inauguration of the International Criminal Court on 11<sup>th</sup> March 2003 at The Hague, the Netherlands,

**Aware of** the importance of the universal acceptance of the Rome Statute of the International Criminal Court,

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

1. **Encourages** Member States to consider ratifying /acceding to the Rome Statute;
2. **Also encourages** Member States that have ratified the Rome Statute to consider becoming Parties to the Agreement on the Privileges and Immunities of the ICC;
3. **Noting** the mandated task by the Resolution F, namely the definition of the crime of aggression, and the conditions under which the ICC can exercise its jurisdiction with regard to this crime;
4. **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;
5. **Requests** the Secretariat to follow-up the deliberations in the Second Meeting of the Assembly of the States Parties and its subsequent meetings, and in the Working Group on the Crime of Aggression, and present a report at its forty-third session; and
6. **Decides** to place the item on the provisional agenda of its forty-third session.



**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Taking note** of the Secretariat Document No. AALCO/XLII/SEOUL/2003/S 11,

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

**Welcomes** the adoption of the Johannesburg Declaration on Sustainable Development and the Plan of Implementation at the World Summit on Sustainable Development, held in Johannesburg from 26 August to 4 September 2002, and hopes that the Plan of Implementation adopted will be effectively implemented within the specified time frame,

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

**Recognising that** the early entry into force of Kyoto Protocol will facilitate effective implementation of the United Nations Framework Convention on Climate Change,

**Conscious** of the importance of the conservation of biological diversity for evolution and for maintaining life sustaining systems of biosphere,

**Recognising** that, for equitable sharing of the benefits arising out of the utilisation of genetic resources, an early entry into force of the Cartagena Protocol on Biosafety is important,

**Affirming** the importance of the United Nations Convention to Combat Desertification,

**Welcomes** the decision of the Assembly of Global Environmental Facility to serve as a financial mechanism of the UNCCD,

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

1. **Directs** the Secretariat to continue to follow-up the progress in the implementation of the outcome of the Johannesburg Summit as well as implementation of the United Nations Framework Convention on Climate Change, the United Nations Convention on Biological Diversity and the United Nations Convention to Combat Desertification; and

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

RES/42/12  
20 June 2003

**AN EFFECTIVE INTERNATIONAL LEGAL INSTRUMENT AGAINST  
CORRUPTION**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Taking note with appreciation** of the Secretariat Document No. AALCO/XLII/SEOUL/2003/S.12,

**Recognizing** the need to promote and strengthen measures to prevent and combat corruption effectively,

**Welcoming** the United Nations initiatives to develop an international legal instrument to combat corruption,

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

1. **Expresses** the hope that the Ad Hoc Committee for the Negotiation of a Convention against Corruption will be able to complete its work by the end of 2003; and
2. **Urges** Member States to actively participate in the work of the forthcoming Sixth Session of the Ad Hoc Committee;
3. **Directs** the Secretariat to follow-up the developments within the Ad Hoc Committee as well as other forums engaged in similar work and submit a report to its next session;
4. **Decides** to place the item on the provisional agenda of its forty-third session.

**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 forty-second session,*

**Having taken note** of the Secretariat Report concerning the Legislative Activities of the United Nations and other International Organizations concerned with International Trade Law contained in Document No. AALCO/XLII/SEOUL/2003/S.13,

**Also having taken note** of the adoption of the UNCITRAL Model Law on International Commercial Conciliation by the General Assembly (Res.57/17);

**Taking note**, with appreciation, of the comments included in the Report of the Secretary-General,

1. **Expresses its appreciation** to the United Nations Commission on International Trade Law (UNCITRAL) for the completion and adoption of the of the UNCITRAL Model Law on International Commercial Conciliation;

2. **Recommends** that AALCO Member States give due consideration to the enactment of the Model Law on International Commercial Conciliation, in view of the desirability of uniformity of the law of dispute settlement procedures and the specific needs of international commercial conciliation practice;

3. **Welcomes** the decision of the UN General Assembly to increase the membership of UNCITRAL from thirty-six to sixty States (Res.57/20);

4. **Expresses its appreciation** to the Hague Conference on Private International Law for its completion and adoption of the Convention on the Law Applicable to Certain Rights in respect of Securities held with an Intermediary;

5. **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 enhanced in future;

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

7. **Decides** to place this item on the provisional agenda of its forty-third session.

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

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Having taken note** of the Secretariat Report contained in Document No. AALCO/XLII/SEOUL/2003/S.14,

**Also having taken note**, with appreciation of the Special Study on “Special and Differential Treatment under the WTO Agreements”,

**Recognizing** the importance and complexities of issues involved in the agenda set forth by the Fourth WTO Ministerial Declaration,

**Noting** that the Fifth WTO Ministerial Conference is scheduled to be held at Cancun, Mexico in September 2003;

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

1. **Urges** Member States to actively participate in the negotiations mandated by the Fourth Ministerial Declaration;
2. **Emphasizes** the urgency of addressing the special concerns of developing country and least-developed countries Members;
3. **Requests** the Secretary-General in consultation with Member States, subject to the availability of necessary resources, to organize a seminar to facilitate the exchange of views by Member States on issues currently under negotiation within the WTO;
4. **Directs** the Secretariat to continue to monitor and report on the Fifth WTO Ministerial Conference, as well as, the outcome of the review process concerning the WTO Dispute Settlement Understanding; and
5. **Decides** to place this item on the provisional agenda of its forty-third session.

RES/42/15  
20 June 2003

## HUMAN RIGHTS IN ISLAM

*The Asian-African Legal Consultative Organization at its Forty-second Session,*

**Having taken note** of the reference made by the Kingdom of Saudi Arabia and its proposal to include the item “Human Rights in Islam” on the provisional agenda of the Organization,

**Recalling** that, in accordance with RES/41/15 adopted at the Abuja Session, the Organization decided to include item entitled “Human Rights in Islam” in its work programme,

**Having** considered Secretariat Document No. AALCO/XLII/SEOUL/ 2003/S 16 on this item,

**Recognizing** the importance of this subject and the initiative of the Kingdom of Saudi Arabia,

1. **Requests** Member States to forward to the Secretariat their views and observations, so as to facilitate the preparation of an in-depth study on this item; and
2. **Decides** to place the item on the provisional agenda of its forty-third session.

**VI. (iv) SEOUL RESOLUTION ON THE RELEVANCE OF INTERNATIONAL HUMANITARIAN LAW IN TODAY'S ARMED CONFLICTS**

**RES/SEOUL/42/SP 1  
20 JUNE 2003**

**“Seoul Resolution on International Humanitarian Law”**

**Seoul Resolution on the Relevance of International Humanitarian Law in Today's Armed Conflicts**

*The Asian-African Legal Consultative Organization at its forty-second session,*

**Mindful** of the views expressed by delegations, panelists and other related statements on the importance of implementation and dissemination of international humanitarian law, and having completed the Special Meeting on “The Relevance of International Humanitarian Law in Today's Armed Conflicts” on 18 June 2003 during the forty-second session of AALCO held in Seoul,

**Recalling** that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

**Realizing** that new types of armed conflicts after the end of the Cold War, as well as the proliferation of non-international armed conflicts, may threaten the international peace and security,

**Reaffirming** the significance of international humanitarian law in today's armed conflicts in protecting the integrity and dignity of all those affected by armed conflicts,

**Emphasizing** that international humanitarian law must be fully applied in all circumstances to all protected persons, without any adverse distinction based on the nature or origin of the armed conflict,

**Noting** the serious consequences of violations of international humanitarian law that greatly harm civilian populations and civilian objects,

**Expressing** grave concern that civilian populations account for the vast majority of casualties in armed conflicts whether of international or non-international character, and taking note of the need for better protection of civilian populations during armed conflicts by ensuring respect for international humanitarian law by all parties to the conflict,

**Recalling** that rules of international humanitarian law are derived from established international custom, principles of humanity and dictates of public conscience,

**Recognizing** that the objective of international humanitarian law is to minimize the impact of armed conflicts upon human life, safety and dignity, and therefore deeming it to be imperative to strike a proper balance between military necessities and these humanitarian objectives,

**Keeping in mind** the principles of the prohibition on attacks against civilian populations and civilian objects as well as on indiscriminate attacks as enshrined, among others, in the Geneva Conventions of 1949 and their Additional Protocols of 1977,

**Bearing in mind** that compliance with international humanitarian law would greatly facilitate the promotion of international peace, security and well-being,

**Taking note** of the entry into force on 1 July 2002, of the Rome Statute of the International Criminal Court, as well as of the recent setting up of this Court, whose jurisdiction includes war crimes, in particular, serious violations of international humanitarian law,

1. **Commends** the AALCO Secretariat, the International Committee of the Red Cross (ICRC), and the Government of the Republic of Korea for their initiatives in organizing the Special Meeting;
2. **Calls upon all** Member States that have not done so to ratify the Geneva Conventions of 1949 and their Additional Protocols of 1977 as well as other legal instruments relating to international humanitarian law;
3. **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;
4. **Recommends** that Member States consider establishing National Committees on international humanitarian law in order to facilitate the adoption, at the national level, of the implementation measures required by this law and to promote its dissemination to various sectors, such as government authorities, the military and civil society;
5. **Encourages** National Committees on International Humanitarian Law to cooperate, among themselves and with the ICRC, on a bilateral, regional and international basis;
6. **Urges** all parties in armed conflicts to respect and ensure respect for international humanitarian law whether as treaty law or as customary law, and to comply, *inter alia*,

with the principle of distinction and the principle of proportionality during armed conflicts;

7. **Urges** Member States to protect civilian populations, persons *hors de combat*, prisoners of war, civilian objects and cultural property by carefully weighing the choice of methods and means of warfare to avoid causing unnecessary losses or excessive suffering;

8. **Exhorts** Member States to fully cooperate with the ICRC both in times of peace and armed conflicts, to enable it to carry out its humanitarian mandate to protect and assist the victims of armed conflicts and to work for the faithful application of international humanitarian law. Furthermore, invites Member States to fully cooperate with their respective National Red Cross or Red Crescent Societies and with their International Federation;

9, **Encourages** all Member States to continue to fulfill their responsibilities to bring to justice perpetrators of serious violations of international humanitarian law, and invite States that are not yet party to the Rome Statute of the International Criminal Court to consider ratifying this instrument or acceding to it as soon as possible;

10. **Encourages** Member States to develop and engage in confidence-building measures aimed at conflict prevention and also to cooperate in providing post-conflict humanitarian assistance to victims of armed conflicts;

11. **Reaffirms** the importance of continuing to discuss, study and disseminate the current status on the development of international humanitarian law through meetings and seminars, as appropriate and feasible, as referred in the Memorandum of Understanding (MOU) signed between AALCO and the ICRC.