

**RESOLUTIONS ADOPTED BY THE
FORTY-SIXTH SESSION**

**A. RESOLUTIONS ON
ORGANIZATIONAL MATTERS**

**RES/46/ORG 1
6 JULY 2007**

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

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

Conscious of the functions and the purposes of the Organization as referred to in Article 1 of the Revised 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/46th/CAPE TOWN SESSION /2007/ORG 1,

Appreciating the efforts of the Secretary-General to enhance the activities of the Organization and to implement its work programme as approved at its Forty-Fifth Session at Headquarters in New Delhi,

Welcoming the continued practice towards the rationalization of its work programme, including consideration of the agenda items during its annual sessions,

1. **Expresses its satisfaction** over the increasing co-operation between the Organization and the United Nations, its Specialized Agencies and other International Organizations;

2. **Approves** the work programme of the Organization for the year 2007 as set out in the Report of the Secretary-General 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 including Central Asian States, South-East Asian States and French-speaking countries from both regions and to mobilize financial resources to have French as an additional working language during the coming sessions;

4. **Encourages** Member States to make voluntary contributions to support the organization of seminars/meetings/training programmes or to prepare special studies on any specified topic under the approved work programme of the Organization;

5. **Commends** the Secretary-General in bringing out the Golden Jubilee volume of *Essays in International Law*;

6. **Requests** the Secretary-General to study and to report, at its Forty-Seventh Session, on the possible measures that AALCO can take to further rationalize its work programme, including consideration of the agenda items during its annual sessions; and

7. **Requests** the Secretary-General to report on the activities of the Organization at its Forty-Seventh Session.

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**RES/46/ORG 2
6 JULY 2007**

**AALCO'S BUDGET FOR THE YEAR
2008**

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

Taking note of the proposed Budget for the year 2008 contained in Document No. AALCO/46th/CAPETOWN SESSION/2007/ORG 2,

Recalling operative paragraph 3 of the RES/44/ORG 2¹ of 1 July 2005 adopted at the Forty-Fourth Session held in Nairobi,

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

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

Taking into account the recommendations on budgetary proposals for the year 2008 adopted at the 294th Meeting of the Liaison Officers held on 18th June 2007,

Also taking into account, also, the fact that the Scale of Contributions did not change since 1993,

1. **Approves** the Budget for the year 2008 as proposed;

2. **Requests** Member States to pay their contributions for the year 2008 in full and on time in accordance with their budgetary systems in order to ensure the smooth functioning of the Organization;

3. **Urges** those Member States who are in arrears to fulfill their financial obligations and to clear expeditiously the same and in order to enjoy the right to get involved actively in various official events stipulated in the Statutes and Statutory Rules of AALCO;

4. **Also urges** the Secretary-General to exert all efforts possible to streamline the expenses of the Secretariat and to take all

steps necessary to clear the accumulated arrears;

5. **Thanks** the Governments of the Republic of Sudan and the Republic of Senegal for their commitment to clear the arrears at the earliest ;

6. **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 to those financial difficulties; and

7. **Decides** to constitute a Committee of representatives of Member States of AALCO to explore ways and means of solving the problem of arrears and also to consider possible mechanisms of dealing with Member States having pending arrears.

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**RES/46/ORG 3
6 JULY 2007**

REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION

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

Having considered the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/46th/CAPE TOWN SESSION/ 2007/ORG 3,

Reaffirming the commitment by the governments 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,

¹ It reads “**Urges** those Member States who are in arrears to fulfill their financial obligations and to clear expeditiously the same and in order to enjoy the right to get involved actively in various official events stipulated in AALCO’s current Statutes and Statutory Rules;”. This appears as paragraph 3 in the present resolution also.

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,

Welcomes the proposal for the establishment of the fifth AALCO's Regional Arbitration Centre in Nairobi, with the cooperation and financial assistance of the Government of the Republic of Kenya,

Also welcomes the appointment of Dato' Noorashikin Binti Tan Sri Abdul Rahim as the Acting Director of the Kuala Lumpur Regional Arbitration Centre,

1. **Appreciates** the efforts and contributions of the Governments of the Arab Republic of Egypt, the Islamic Republic of Iran, Malaysia and Federal Republic of 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. **Also reiterates** its proposal that after consultation with the Directors of the respective Regional Arbitration Centres, for the holding of International Arbitration Conference biennially, by rotation in each of the four Arbitration Centres, with the support of Member States;

5. **Requests** that, based on the above mentioned commitments for promoting and supporting the use of Regional Arbitration Centres, the Member States to urge their esteemed Governments and private sector to use the AALCO's Regional Arbitration

Centres for their disputes and in particular to consider in their contracts, the inclusion of the Arbitration Clause of AALCO's Regional Arbitration Centres;

6. **Welcomes** the Memorandum of Understanding (MoU) and Agreement signed between the AALCO and the Government of the Republic of Kenya for the Establishment of the Regional Centre for Arbitration in Nairobi on 3 April 2006 and 2 July 2007 respectively;

7. **Requests** the Secretary-General of AALCO, in cooperation with the Government of the Republic of Kenya, to facilitate the implementation of the Agreement and MoU for the establishment of the Nairobi Regional Arbitration Centre; and

8. **Decides** to place this item on the provisional agenda of its Forty-Seventh Session.

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**RES/46/ORG 4
6 July 2007**

**REPORT ON THE CENTRE FOR
RESEARCH AND TRAINING
OF THE AALCO**

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

Having considered the Secretariat Report on the Centre for Research and Training (CRT) of the AALCO, contained in Document No. AALCO/46th/CAPE TOWN SESSION/2007/ORG 4,

Recognizing the need and importance of the exchange of information among AALCO, its Member States, the United Nations and its Specialized Agencies, and other International Organizations for improved capacity-building and enhancement of legal expertise in areas of international law,

Bearing in mind the effective role of research and training in promoting the objectives of the Organization,

Also bearing in mind a more proactive role the Centre could play in furthering the mandate of the Organization in making best use of the new Headquarters Building equipped with modern technology and infrastructure facilities,

Appreciating the efforts of the Secretariat in preparing special studies on matters of common concern and its plan to hold training programmes in cooperation with International Organizations and to ensure financial support to these programmes,

Also appreciating the efforts of the Secretariat in acquiring the “.int” Top-level Domain name reserved for International Organizations for AALCO and for upgrading the Organization’s website,

Welcoming the draft proposal of the Secretariat on training programmes for officials of AALCO Member States, as mandated by the Forty-fifth Session of AALCO vide RES/45/ORG 4,

1. **Requests** the Secretariat to maintain, update and improve the technical efficiency of the website for facilitating dissemination of information to 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 Centre to carry out further research projects on international law and to organize training programmes for the benefit of the officials of Member States handling international law issues;

3. **Urges** Member States to furnish information and other relevant materials, including the name and address of the focal point with e-mail and URL of the Ministry

concerned and officials in charge of AALCO, in order to enhance the activities of the Centre for Research and Training (CRT);

4. **Also Urges** Member States to make voluntary contributions to the “Research and Training Fund” established vide RES/45/ORG 4 to promote and strengthen Research and Training under the CRT, and to provide a sustainable financial base to the Centre to undertake its mandated activities;

5. **Directs** the Secretariat to take necessary measures to promote the awareness about the Centre so that the services available in the Centre would be made use of by the public and private sectors in the Member States;

6. **Also directs** the Secretariat to work towards the realization of its proposal for the training of officials of AALCO Member States;

7. **Requests** the Member States to provide the Secretariat with specific topics for conducting in-depth research studies;

8. **Also requests** the Secretary-General to report on the progress made in the work of the Centre for Research and Training at its Forty-Seventh Session.

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**RES/46/ORG 5
6 JULY 2007**

**REPORT ON THE AALCO’S
PERMANENT HEADQUARTERS
BUILDING**

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

Having considered the Report on the AALCO’s Headquarters Building contained in Document No. AALCO/46th/CAPE TOWN SESSION/2007/ORG 5,

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

Also recalling the Headquarters Agreement signed between the AALCO and the Government of India, on 26 April 2000,

Mindful of the long-cherished desire of the Member States of AALCO to have its Permanent Headquarters,

Also mindful that not moving to the Permanent Headquarters Building severely constrains the effective functioning of the Organization and imposes high costs on its budget,

Deeply appreciating the extraordinary efforts exerted by the Secretary-General in coordinating with the Ministry of External Affairs, Government of India and several local authorities for the completion, in the best functional way, of the Headquarters Building,

Expressing its appreciation and thanks to Hon'ble Mr. Anand Sharma, Minister of State in the Ministry of External Affairs, Government of India for inaugurating the Permanent Headquarters of AALCO, on 6th April 2006 which coincided with the Golden Jubilee and the convening of the Forty-Fifth (Headquarters) Session of the AALCO,

Hoping that the Secretariat would commence functioning from the Permanent Headquarters Building soon,

1. **Reiterates** its appreciation to the people and Government of India for the Permanent Headquarters Building in the prestigious Diplomatic Enclave of Chanakyapuri, New Delhi;
2. **Urges** the Government of India, keeping in view the budgetary implications of not moving, to expeditiously finalize and

handover the Permanent Headquarters Building at the earliest,

3. **Also urges** the Member States, to mitigate the heavy burden on the regular budget of AALCO, to make voluntary contributions towards meeting the additional expenditure involved in furnishing, office equipments and other exigencies in the Permanent Headquarters Building,

4. **Requests** the Secretary-General to expedite, in coordination with the concerned authorities of the Government of India, the completion of the building and furnishing in order to enable the Secretariat to move to its Permanent Headquarters Building.

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RES/46/ORG 6
6 July 2007

**ADMISSION OF THE REPUBLIC OF
CAMEROON AS A MEMBER STATE
OF THE ORGANIZATION**

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

Recalling Article 2 of its present Statutes which stipulates that the membership of the Organization shall consist of other Asian-African States that are or may be admitted in pursuance of Statutory Rule no. 4;

Appreciating the efforts of the Secretary-General in inviting the Republic of Cameroon to become a Member State of the Organization;

Taking Note of the written communication from the Government of Republic of Cameroon on 3 February 2006, 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, communicated to Member States by the Secretary-General on 1 June 2006;

Acknowledging the Secretary-General's Note Verbale (Membership/138/AALCO/2006), welcoming Republic of Cameroon as a full Member from 1 August 2006 in pursuance of Statutory Rule no. 4;

Endorses unanimously the admission of the Republic of Cameroon as a Member State of the Organization.



B. RESOLUTIONS ON SUBSTANTIVE MATTERS

**RES/46/S 1
6 JULY 2007**

MATTERS RELATING TO THE WORK OF THE INTERNATIONAL LAW COMMISSION (*Deliberated*)

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION /2007/S 1,

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

Having followed with great interest the deliberations on the item reflecting the views of Member States on the work of the ILC,

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. **Commends** the initiative of the Secretary-General in convening a joint AALCO-ILC meeting in conjunction with AALCO Legal Advisers' meeting held in New York in October 2006, and the fruitful exchange of views on the items deliberated during that meeting;

5. **Requests** the Secretary-General to continue convening such meetings in future;

6. **Further requests** the Secretary-General to bring to the attention of the ILC at its Fifty-Ninth Session the views expressed on the items on its agenda during the Forty-Sixth Session of the AALCO; and

7. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.



**RES/46/S 2
6 JULY 2007**

THE LAW OF THE SEA (*Deliberated*)

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION /2006/S 2,

Having heard with appreciation the introductory remarks of the Deputy Secretary-General,

Recognizing the universal character of the United Nations Convention on the Law of the Sea 1982 (UNCLOS), and its legal framework governing the issues relating to the management of the oceans,

Mindful of the historical contribution made by the Asian-African Legal Consultative Organization in the elaboration of the UNCLOS,

Conscious that the AALCO has been regularly following the implementation of the UNCLOS and its implementing agreements,

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6 JULY 2007**

Hopeful that in view of the importance of law of the sea issues, AALCO would maintain its consideration on the agenda item and continue to perform its historical role on the law of the sea matters,

**THE STATUS AND TREATMENT OF
REFUGEES (*Deliberated*)**

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

Taking note of the deliberations at the United Nations Open-ended Informal Consultative Process established by the General Assembly to facilitate annual review of the developments in ocean affairs,

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 3,

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 introductory remarks of the Secretary-General,

Appreciating the successful convening by the AALCO Secretary-General of the Meeting of Experts on the Emerging Issues on the United Nations Convention on the Law of the Sea, at Headquarters in New Delhi on 24 November 2006,

Having followed with interest the deliberations on the item reflecting the views of Member States,

1. **Reaffirms** that in accordance with Part XI of the UN Convention on the Law of the Sea, 1982, the Area and its resources are the common heritage of mankind and should be used for the benefit of the mankind as a whole;

Being mindful that in the 21st century, all forms of forced displacement of populations would be one of the key issues, which include a mixed flow of not only those who are in need of protection from persecution but also who are economic migrants,

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, as well as in the United Nations Informal Consultative Process so as to ensure and safeguard their legitimate interests;

Reaffirming that the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol thereto, remain the foundation of the international refugee protection regime, further complemented by other regional instruments in the area, notably the 1969 OAU Convention,

3. **Decides** to place this item on the provisional agenda of its Forty-Seventh Session.

1. **Notes** the need for Member States to address with great concern the root causes of all forms of forced displacement;

2. **Also notes** with great concern that the situation of refugees and displaced persons in many parts of the world remains precarious and calls upon States and parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principle causes of forced displacement;

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3. **Also notes** the joint effort of UNHCR and AALCO in undertaking the study on “Statelessness: An Overview from the Asian, African and Middle East Perspective”;

4. **Reaffirms** that respect by States of their responsibilities in protecting refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden and responsibility sharing among all Member States;

5. **Urges** Member States who have not yet done so to consider ratifying/acceding to the 1951 Convention and the 1967 Protocol; and

6. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.

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**RES/46/S 4
6 JULY 2007**

**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
(Deliberated)**

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 4,

Having heard with appreciation the introductory remarks of the Deputy Secretary-General,

Having followed with great interest the deliberations on the item reflecting the views of Member States,

Being Mindful of the serious obstacles created by the occupying power, which hinder the achievement of a just and lasting peace in the region,

Being aware of the Israeli disengagement from Gaza strip and parts of Northern West Bank,

Welcoming the signing of the Mecca Agreement and other regional initiatives,

Stressing the significance of respecting the democratic choice of the Palestinian people,

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,

Being Concerned about the continuing dangerous deterioration of the situation in the Occupied Palestinian Territory, including East 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 relevant United Nations resolutions on the dire humanitarian situation of the Palestinian population and the fact finding team,

Welcoming the Advisory Opinion rendered by the International Court of Justice

in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and related General Assembly Resolution (A/RES/ES-10/15 of 20th July 2004), as well as the United Nations initiative of establishment of a Register of Damage arising from the construction of the separation wall;

Being Deeply concerned about the tenacity of Israel in proceeding with the construction of wall in the Occupied Palestinian Territory,

Acknowledging with deep concern that the Security Council is still unable to adopt a resolution stipulating the illegality of the Israeli expansionist wall,

1. **Expresses its 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 relevant Security Council resolutions, including 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,

2. **Also expresses** its support to the Arab Peace Initiative for resolving the issue of Palestine and the Middle East, adopted by the 14th Arab Summit held in Beirut (Lebanon) on 28 March 2002 and reaffirmed in the 19th Summit Conference of the League of Arab States, Riyadh, 28-29 March 2007 as well as other peace initiatives, including the Road Map;

3. **Strongly condemns** the extra judicial, summary or arbitrary execution of the Palestinian leaders and reiterates the conviction that targeted assassinations as well as act of violence against civilians will only lead to escalating violence in the region;

4. **Demands** that Israel, the Occupying Power, comply fully with the provisions and principles of the Charter of the United Nations, Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention of 1907 and the Geneva Conventions in particular the Fourth 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;

5. **Also Demands** that Israel comply with its legal obligations as mentioned in the Advisory Opinion rendered by the International Court of Justice in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and related General Assembly Resolution (A/RES/ES-10/15 of 20th July 2004);

6. **Strongly demands** that Israel stops and reverses the construction of the wall in the Occupied Palestinian territory;

7. **Further demands** 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 territories in implementation of Security Council Resolutions including 1402 (2002) 1403 (2002) 1515 (2003) and 1544 (2004) as a first step for ending the Israeli occupation of Palestinian land occupied since 1967;

8. **Calls upon** Israel to ensure 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;

9. **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;

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

11. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.

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**RES/46/S 5
6 JULY 2007**

LEGAL PROTECTION OF MIGRANT WORKERS (Non-deliberated)

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

Having considered Secretariat Document No. AALCO/46th/CAPE TOWN SESSION /2007/S 5,

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),

Considering the significance of the high level Dialogue on Migration and Development organized by the UN General Assembly in September 2006,

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 comments made 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 on the item;

2. **Also urges** Member States to consider becoming Parties to the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

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

4. **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

5. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.

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**RES/46/S 6
6 JULY 2007**

EXTRATERRITORIAL APPLICATION OF NATIONAL LEGISLATION: SANCTIONS IMPOSED AGAINST THIRD PARTIES (Non-Deliberated)

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 6,

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

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6 JULY 2007

Recognizing the significance, complexity and implications of the above subject,

**ESTABLISHING CO-OPERATION
AGAINST TRAFFICKING IN WOMEN
AND CHILDREN (Deliberated)**

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

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,

Having considered the Secretariat Documents No. AALCO/46th/CAPE TOWN SESSION /2007/S 8 and Addendum 1 on the Model Legislation,

Being aware that extraterritorial 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,

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

Having followed with great interest the deliberations on the agenda item reflecting the views of Member States,

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

Being Mindful of the increasing number of women and children from developing countries, being trafficked and exploited,

1. **Directs** the Secretariat to continue to study the legal implications related to the Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties and the executive orders imposing sanctions against target States;

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

2. **Urges** Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this subject; and

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

3. **Decides** to place this item on the provisional agenda of its Forty-Seventh Session.

Being aware of the similar initiatives of Model Legislation undertaken at other regional fora like the Bali Process and the South Asian Association for Regional Cooperation (SAARC),

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Taking note with appreciation of the on-going work on the Model Legislation by the Secretariat,

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 with appreciation** that several Member States have submitted 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 other fora;

4. **Requests** Member States to send their comments on the revised preamble and the first set of draft articles of the Model Legislation;

5. **Also requests** the Secretariat to follow and coordinate with similar initiatives in providing a Model Legislation; and

6. **Welcomes** any other initiatives or voluntary contributions from Member States or other actors who might be interested in holding seminars/workshops pertaining to this subject; and

7. **Decides** to place this item on the provisional agenda of the Forty-Seventh Session.

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**RES/46/S 9
6 JULY 2007**

**THE INTERNATIONAL CRIMINAL
COURT: RECENT DEVELOPMENTS
(Deliberated)**

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION /2007/S 9,

Having heard with appreciation the introductory remarks of the Deputy Secretary-General,

Having followed with great interest the deliberations on the item reflecting the views of Member States,

Taking note of the deliberations and decisions of the Fifth Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court,

Also taking note of the progress in cases before the International Criminal Court,

Being aware of the importance of the universal acceptance of the Rome Statute of the International Criminal Court, and its main salients, among them the principle of complementarity and the scope of its jurisdiction;

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. **Urges** Member States to actively participate in the work of the Sixth Session of the Assembly of the States Parties and in the on-going deliberations in the Special Working Group on the Crime of Aggression;

4. **Directs** the Secretariat to follow up the deliberations in the Special Working Group on the Crime of Aggression with a view to expediting the elaboration of the definition of the 'Crime of Aggression', and the conditions under which the ICC can exercise its jurisdiction with regard to this crime;

5. **Also directs** the Secretariat to follow-up the deliberations in the Sixth Session of the Assembly of the States Parties and its subsequent meetings, and follow up the developments regarding cases taken up by the International Criminal Court, and present a report at its Forty-Seventh Session;

6. **Requests** the Secretary-General to explore the feasibility of convening an inter-sessional meeting, *inter alia*, for promotion of human rights in the backdrop of the Rome Statute of the International Criminal Court; the implementation of the Rome Statute through national legislative mechanisms; and the ways and means through which the AALCO Member States can contribute to the process of elaboration of the definition of the Crime of Aggression, and the conditions under which the ICC can exercise its jurisdiction with regard to this crime; and

7. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.

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RES/46/S 10
6 JULY 2007

**ENVIRONMENT AND SUSTAINABLE
DEVELOPMENT (*Non-deliberated*)**

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 10,

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

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

Welcoming the adoption of the Johannesburg Declaration on Sustainable

Development and the Plan of Implementation at the World Summit on Sustainable Development, held in Johannesburg 2002, and hopes that the Plan of Implementation adopted will be effectively implemented within the specified time frame,

Also welcoming the World Summit 2005 Outcome adopted by the high level Plenary of the Sixtieth Session of the United Nations General Assembly,

Recalling the Nairobi Resolution on Environmental Law and Sustainable Development adopted by the Forty-Fourth Session of AALCO in 2005,

Also recalling the need to promote and materialize the principle of three "Rs", i.e., Reduce, Re-use and Recycle, at all levels and the importance of efficient use of scarce natural resources,

Recognising that the 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 the biosphere,

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

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 Convention on Biological Diversity and the United Nations Convention to Combat Desertification;

2. **Requests** the Secretary-General to take necessary measures to follow up the Nairobi Resolution on Environmental Law and Sustainable Development; and

3. **Decides** to place this item on the provisional agenda of its Forty-Seventh Session.

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**RES/46/S 11
6 JULY 2007**

**AN EFFECTIVE INTERNATIONAL
LEGAL INSTRUMENT AGAINST
CORRUPTION (*Deliberated*)**

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 11,

Having heard with appreciation the introductory remarks of the Deputy Secretary-General,

Having followed with great interest the deliberations on the item reflecting the views of Member States,

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

Welcoming the entry into force of the United Nations Convention against Corruption (UNCAC) on 14 December 2005,

1. **Appreciates** the efforts of the Secretary-General in bringing out two special studies on “Combating Corruption: A Legal Analysis (2005)” and “Right and Obligations under the United Nations Convention against Corruption (2006)”;

2. **Encourages** Member States to ratify/accede to the UN Convention against Corruption 2003;

3. **Urges** the Member States to submit their national legislations on combating corruption to the AALCO Secretariat and to

establish a network among law enforcement agencies;

4. **Also Urges** Member States having ratified/acceded to the Convention to actively implement the Convention at the national level;

5. **Requests** the Secretary-General in consultation with the Member States, subject to the availability of necessary resources, to organize an inter-sessional meeting to facilitate the drafting of a model legislation to implement the UN Convention against Corruption;

6. **Directs** the Secretariat to monitor the developments and assist Member States in the implementation of the Convention and submit a report at its next Session;

7. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.

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**RES/46/S 12
6 JULY 2007**

**REPORT ON THE WORK OF
UNCITRAL AND OTHER
INTERNATIONAL ORGANIZATIONS
IN THE FIELD OF INTERNATIONAL
TRADE LAW (*Non-deliberated*)**

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 12,

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

Being aware of the finalization and adoption by the United Nations Commission on International Trade Law of the Legislative Provisions on Interim Measures and the

Form of Arbitration Agreement and of a Declaration regarding the Interpretation of Article II (2) and VII (1) of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards,

1. **Recommends** that Member States give due consideration to the Legislative Provisions on Interim Measures and the Form of Arbitration Agreement and of a Declaration regarding the Interpretation of Article II (2) and VII (1) of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, in view of the desirability of uniformity;

2. **Expresses** its satisfaction for AALCO's continued cooperation with the various international organizations competent in the field of international trade law and hopes that this cooperation will be further enhanced in the future;

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

4. **Decides** to place this item on the provisional agenda of its Forty-Seventh Session.

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RES/46/S 13
6 JULY 2007

**WTO AS A FRAMEWORK
AGREEMENT AND CODE OF
CONDUCT FOR WORLD TRADE**
(Non-Deliberated)

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

Having Considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 13,

Recognizing the importance and complexities of issues involved in the WTO Doha Development Agenda,

Taking note, with appreciation, of the full resumption of the Doha Development Round of Negotiations in February 2007,

1. **Urges** Member States to implement the Ministerial Declaration adopted in Hong Kong and successfully complete the negotiations mandated under the Doha Development Agenda, taking fully into consideration the special concerns of developing and least-developed country Members;

2. **Directs** the Secretariat to continue to monitor and report on the negotiations under the Doha Development Agenda, particularly the outcome of the review process concerning the WTO Dispute Settlement Understanding;

3. **Requests** the Secretary-General in consultation with Member States, subject to the availability of necessary resources, to organize a seminar/workshop to facilitate the exchange of views by Member States on issues currently under negotiation within the WTO; and

4. **Decides** to place this item on the provisional agenda of its Forty-Seventh Session.

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RES/46/S 14
6 JULY 2007

**EXPRESSIONS OF FOLKLORE AND
ITS INTERNATIONAL PROTECTION**
(Deliberated)

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

Having Considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 14,

Having heard with appreciation the introductory remarks of the Secretary-General,

Having followed with great interest the deliberations on the item reflecting the views of Member States,

Recognizing the importance of national and international protection of the 'expressions of folklore' for the Asian-African countries,

Welcoming the WIPO's Governing Council initiative in establishing an Intergovernmental Committee (IGC) to discuss the legal, policy and international framework for the protection of expressions of Folklore,

Also welcoming the renewal of the mandate of the IGC by WIPO's Governing Council in September 2005,

1. **Expresses** the hope that the WIPO IGC would be able to adopt an international legal and policy framework for the protection of folklore;

2. **Requests** the Secretary-General to organize an expert meeting in cooperation with WIPO, to facilitate the exchange of views by Member States on the issues of international protection of expressions of folklore including the Draft Agreement for the Protection of Expressions of Folklore prepared by the International Bureau of WIPO;

3. **Encourages** Member States to actively participate in the work of the Eleventh Session of the WIPO IGC;

4. **Directs** the Secretary-General to follow up the developments within the WIPO IGC on 'expressions of folklore', and to present the views of the AALCO Member States to the IGC; and

5. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.

RES/46/S 15
6 JULY 2007

HUMAN RIGHTS IN ISLAM
(Deliberated)

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

Having considered the Secretariat Document No. AALCO/46th/CAPE TOWN SESSION/2007/S 15,

Having heard, with appreciation, the introductory remarks of the Deputy Secretary-General,

Having followed with great interest the deliberations on the item reflecting the views of Member States,

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

1. **Recognizes** the importance of the role of human rights in Islam for promotion of democratic values, rule of law, tolerance and mutual understanding amongst the international community;

2. **Urges** Member States to forward their views and observations on the item to the Secretariat, in order to facilitate the preparation of an in-depth study;

3. **Appreciates** the effort of the Government of Malaysia in successfully hosting the Meeting of International Experts on Human Rights in Islam, which was co-organised with the Kingdom of Saudi Arabia and in collaboration with the AALCO Secretariat from 15-19 May 2006 in Kuala Lumpur;

4. **Recognizes** that the above meeting of international experts served as a platform to examine the Islamic principles of human rights with a view to enhancing international cooperation based on mutual respect, tolerance and understanding; and

5. **Decides** to place the item on the provisional agenda of its Forty-Seventh Session.

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C. RESOLUTIONS ON SPECIAL MEETINGS

RES/CAPE TOWN/46/SP 1
6 JULY 2007

RESOLUTION ON THE SPECIAL MEETING ON "INTERNATIONAL INVESTMENT, TRADE AND DEVELOPMENT"

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

Noting with Appreciation the views expressed by the Chairperson, the Secretary-General of AALCO, Panelists, Delegations and other participants on International Investment, Trade and Development, during the half-day Special Meeting on 4 July 2007 held in conjunction with the Forty-Sixth Session of AALCO, in Cape Town,

Recognizing the need for rapid sustainable development at international, regional and national levels, particularly in the Asian and African region,

Also recognizing the role of international investment and trade as a tool for achieving sustainable development goals of the developing countries and for the eradication of poverty and bringing down unsustainable natural resource management and industrial practices,

Reiterating the importance of strengthening the legal and institutional framework for the protection and regulation of international investment and trade at all levels,

Sharing the view that the ultimate aim of promoting international investment and trade is to achieve sustainable development of the States and their people,

Recalling the United Nations General Assembly Resolution on Permanent Sovereignty over Natural Resources (PSNR), Declaration on the New International Economic Order (NIEO) and the Charter of Economic Rights and Duties of States,

Taking Note of the work undertaken by the World Trade Organization under the Doha Development Agenda,

1. **Expresses** its deepest thanks to Government of the Republic of South Africa and AALCO for their initiative in organizing this Special Day Meeting on International Investment, Trade and Development;
2. **Thanks** the Panelists for guiding the discussion and their valuable contribution during this Special Meeting;
3. **Acknowledges** the contribution of New Partnership for Africa's Development (NEPAD) for the sustainable and self development of Africa;
4. **Also acknowledges** the significance of liberalization of the legal services for the developing countries and at the same time the need for effective regulatory framework for service liberalization;
5. **Encourages** the growing number of regional arrangements for economic

cooperation within Asia and Africa and the south-south cooperation;

6. **Urges** the developed countries to promote international investment and trade within the developing countries, particularly the Least Developed Countries, taking into account the national developmental goals;
7. **Also Urges** the developing countries to reduce barriers and promote and protect international investment and trade, taking into account the domestic development priorities and public welfare;
8. **Requests** the Secretariat of AALCO to provide advisory services, technical assistance and capacity building in the form of training the officers from Member States in strengthening domestic laws and institutions;
9. **Also requests** the Secretary-General of AALCO, in consultation with appropriate Organizations, to consider developing a Guideline on the positive and negative implications of General Agreement on Trade in Service (GATS) on Member States and constitute a legal team from the Secretariat and the Member States to secure the granting of the rights to the Member States.

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**RES/CAPE TOWN/46/SP 2
6 JULY 2007**

RESOLUTION ON THE SPECIAL MEETING ON "INTERNATIONAL COOPERATION IN COUNTERING TERRORISM"

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

Noting with appreciation the views expressed by panelists, delegations, and other related statements on International Cooperation in Countering Terrorism, during the half-day special meeting jointly organized in cooperation with the United Nations Office on Drugs and Crime (UNODC) on 4 July 2007, in conjunction with Forty-Sixth Session of AALCO held in Cape Town,

Recalling the relevant resolutions of the United Nations General Assembly and the Security Council 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,

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 on the draft proposal made by the Republic of India,

Expressing hope for early conclusion of a comprehensive international convention to combat terrorism and expedite the elaboration of the definition on the crime of terrorism,

Expressing grave concern about the worldwide increase in acts of terrorism, which threaten the life and security of innocent people and impede the economic development of the concerned States,

Recognizing the need for the international community to collectively combat terrorism in all its forms and manifestations,

Reaffirming that international efforts to eliminate terrorism must be strengthened adhering to human rights, humanitarian law and refugee law,

Welcoming the adoption of the Global Counter Terrorism Strategy by the United Nations General Assembly in September 2006, by its Resolution A/RES/60/289 as an important step forward towards eliminating international terrorism,

1. **Commends** the AALCO Secretariat and the United Nations Office on Drugs and Crime (UNODC) for their initiative in organizing the Special Meeting;

2. **Urges** Member States to consider ratifying/acceding to the existing international counter terrorism conventions;

3. **Also urges** the Member States to participate in the work of the above Ad Hoc Committee on International Terrorism;

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

5. **Requests** the Secretary-General to coordinate with concerned organizations sharing of experiences and practices in countering terrorism and also in addressing the causes conducive to the spread of terrorism;

6. **Decides** to remain seized of the issue as part of on-going deliberations on the topic "International Terrorism" and decides to place the item "International Terrorism" on the agenda of the Forty-Seventh Session.

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