

IX. RESOLUTIONS ADOPTED BY THE FORTY-EIGHTH SESSION

**AALCO/RES/48/DEC
20 AUGUST 2009**

**A. PUTRAJAYA DECLARATION ON REVITALIZING AND
STRENGTHENING THE ASIAN-AFRICAN LEGAL CONSULTATIVE
ORGANIZATION**

1. We, the Heads of Delegations of the Member States of the Asian-African Legal Consultative Organization (AALCO), have assembled at the Forty-Eighth Annual Session of AALCO held in Putrajaya, Malaysia from 17-20 August 2009, reaffirm our commitment to the Organization and recognize its significant contribution towards strengthening Asian-African solidarity, particularly in the progressive development and codification of international law.
2. We reaffirm the outcome of the Bandung Conference (1955), that despite the differences in our political, economic, or legal systems, the States of Asian-African region are inextricably linked together as an Asian-African identity.
3. We recognize that in more than five decades the world has changed vastly from the days of the Bandung Conference, yet the principles adopted by the leaders at that Conference remain valid. The ideas, goals and vision articulated then, continue to guide our Organization, in this era that offers great opportunities yet poses challenges for the developing world.
4. We recognize that international law is an indispensable instrument to shape a new world order. We acknowledge that since its establishment in 1956, the AALCO has constructively and consistently contributed in enabling the Asian-African States in developing enlightened international legal policies and positions and should play their due role in shaping a just and equitable world order.
5. We reaffirm the importance of AALCO's role in realizing an effective multilateral system in accordance with rules and principles of international law, in particular sovereign equality, territorial integrity and political independence.
6. We are determined to act positively and cooperate fully in order to shape our future, advocating a new system of international relations that is both democratic and representative of all - inclusive of developing countries - based on the purposes and principles of the Charter of the United Nations and respect for the sovereign equality of nations.
7. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political independence, resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial

domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character.

8. We recognize that it is the responsibility of all the Member States of AALCO to work together to alleviate the financial hardship faced by the Organization.

9. We emphasize the importance of fulfilling the statutory and financial obligations by all Member States of AALCO and urge those Member States in arrears to expeditiously clear their arrears.

10. We realize the continued relevance of our Organization in the fast changing world order. We pledge ourselves to provide our Organization with all forms of support as appropriate, in particular financial, to ensure that it is revitalized and strengthened as the main centre for harmonizing the actions of Asian-African States in international legal matters, thereby enabling it to contribute effectively to realize the functions and purposes of our Organization.

AALCO/RES/48/ORG 1

20 August 2009

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

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

Recalling the functions and purposes of the Organization as referred to in Article 1 of the Statutes of AALCO;

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/48 /PUTRAJAYA/2009/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-Seventh Session held at New Delhi (Headquarters), India in 2008;

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

Taking note of the Extraordinary Session of AALCO Member States held on 1 December 2008, in New Delhi (Headquarters), India and the adoption of the Resolution RES/ES (NEW DELHI)/2008/ORG 2 of 1 December 2008 and the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1;

Taking note of the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization;

Welcoming the proposals of the Secretary-General for Revitalizing and Strengthening the AALCO;

Noting with satisfaction the increased co-operation between the Organization and the United Nations and its Specialized Agencies, other international organizations and academic institutions:

1. **Approves** the work programme of the Organization 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;

2. **Requests** the Secretary-General to formulate an action plan to implement the Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization in consultation with the Liaison Officers and to present a follow up report to the annual sessions;
3. **Also requests** the Secretary-General to further develop proposals on Revitalizing and Strengthening of AALCO besides those contained in Document No. AALCO/48/ PUTRAJAYA/2009/ORG 1 which has been adopted;
4. **Endorses** the proposal of the Secretary-General for the Permanent Observer Missions of the Asian-African Legal Consultative Organization at the United Nations Offices in New York, Geneva, and Vienna;
5. **Requests** the Secretary-General to continue his efforts and explore the ways and means to enlarge the Membership of the Organization in Asia and Africa, in particular, to increase the representation from the African States and Central Asian States;
6. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work programme of the Organization;
7. **Requests** the Secretary-General to implement the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1 as mandated by the Extraordinary Session of AALCO Member States held on 1 December 2008, in New Delhi (Headquarters), India;
8. **Also requests** the Secretary-General to study and to report, at its Forty-Ninth 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
9. **Further requests** the Secretary-General to report on the activities of the Organization at its Forty-Ninth Session.

AALCO's PROPOSED BUDGET FOR THE YEAR 2010

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

Having heard with appreciation the introductory statement of the Secretary-General on the Proposed Budget for the year 2010 contained in Document No. AALCO/48/PUTRAJAYA/2009/ORG 2;

Taking note of the comments of the Member States;

Also taking note that the Proposed Budget for the Year 2010 was placed for the consideration at the Meeting of Liaison Officers of Member States of AALCO at the 300th and 301st Meetings held on 31 March 2009 and 17 June 2009 respectively in New Delhi, India; and was adopted at the 301st Meeting of the Liaison Officers held on 17 June 2009 and submitted to the Annual Session for final approval;

Having heard with keen interest and appreciation the statements of the Heads of Delegations of AALCO Member States on the Proposed Budget;

Expressing deep concern on the current financial crisis faced by AALCO and the need to take appropriate remedial measures to overcome the immediate crisis and for the future financial stability of the Organization;

Acknowledging that there is an immediate need to replenish the Reserve Fund of the Organization, with the objective of ensuring that it always has a six-month operational fund for the functioning of the Organization;

Noting that the budget and the scale of assessment of contributions from Member States has not been revised for the past 16 years;

Realizing the need to adopt an appropriate scale of contribution and revising it where necessary;

Emphasizing on the urgency of reforming the financial management of AALCO on the principle of transparency and accountability so that sound and healthy financial management can be practiced;

Considering all the aforementioned reasons for the current financial crisis and affirming the need to take appropriate remedial measures to mitigate the crisis;

1. **Adopts** the proposed revised scale of assessed contribution of Member States;
2. **Approves** the Budget for the Year 2010 as proposed, in accordance with the revised scale of assessed annual contribution;

3. **Requests** those Member States who have not paid their annual contribution for the year 2009 in full, to do so by the end of September 2009 in order to ensure the effective functioning of the Organization;
4. **Also requests** the Member States to make payment of their annual contribution for the year 2010 at the earliest in accordance with their budgetary rules;
5. **Encourages** the Member States to make voluntary financial contribution in order to improve the financial situation of AALCO;
6. **Also encourages** the Member States to voluntarily contribute to replenish the Reserve Fund so as to ensure it has always a six-month operational fund;
7. **Strongly urges** those Member States who are in arrears to fulfill their financial obligations and to expeditiously clear the same in accordance with the Statutes and Statutory Rules of AALCO for the effective functioning of the Organization;
8. **Directs** the Secretary-General in consultation with the Member States and Liaison Officers to formulate necessary measures to deal with those Member States who are in arrears, and circulate it to Member States before the Forty-Ninth Session for their attention, consideration and follow-up;
9. **Mandates** the Secretary-General to explore ways and means of raising additional resources in accordance with the Statutes and Statutory Rules of AALCO and report the same to the next Session for consideration; and
10. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

AALCO/RES/48/ORG 3
20 AUGUST 2009

REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION

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

Having considered the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/48/PUTRAJAYA/2009/ORG 3;

Having heard with appreciation the introductory remarks of the Deputy Secretary-General and the report of the Director of the respective Regional Arbitration Centres;

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;

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;

Appreciating 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;

Hoping that the Regional Arbitration Centre hosted by the Republic of Kenya will be functional at its earliest;

Also appreciating the promotional activities undertaken by the Directors of the respective Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions;

Further appreciating the Kuala Lumpur Regional Centre for Arbitration for successfully organizing an International Conference in commemoration of the Thirtieth Anniversary of its establishment;

Reiterating 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;

Also reiterating 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 Centres, with the support of Member States:

1. **Requests** that, based on the above mentioned commitments for promoting and supporting the use of Regional Arbitration Centres, Member States encourage their public and private sectors 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; and
2. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

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

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

Having considered the Secretariat Report on the Centre for Research and Training (CRT) of the AALCO, contained in Document No. AALCO/48/PUTRAJAYA/2009/ORG 4;

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

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;

Acknowledging the effective role of research and training in promoting the functions and purposes of the Organization;

Bearing in mind a more proactive role the Centre could play in implementing the mandate of the Organization in making the best use of the new Headquarters Building equipped with 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 programs in cooperation with international organizations and to ensure financial support for these programs;

Also appreciating the efforts of the Secretary-General in organizing the First Training Programme on "General Course on International Law 2008" at the Headquarters Building in New Delhi:

1. **Directs** 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. **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 the website of the ministries concerned and officials in charge of AALCO, in order to enhance the activities of the Centre for Research and Training (CRT);
4. **Encourages** 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 awareness about the Centre so that the services available at the Centre would be accessible to the public and private sectors in 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** Member States to provide the Secretariat with specific topics for purposes of research; and
8. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

**AALCO/RES/48/S 1
20 AUGUST 2009**

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

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 1;

Having heard with appreciation the introductory statement of the Secretary-General;

Appreciating the convening of the Commemorative Seminar on the 60th Anniversary of the International Law Commission on 2nd December 2008, at the AALCO Headquarters in New Delhi, India;

Having followed with great interest the deliberations on the item reflecting the views of Member States on the work of the International Law Commission (ILC);

Expressing its appreciation on the statement made by the Representative of the ILC on its work;

Recognizing the significant contribution of the ILC to the codification and progressive development of international law;

Commending the initiative of the Secretary-General in convening the joint AALCO–ILC meeting in conjunction with AALCO Legal Advisers' meeting held in New York on 24 October 2008, and the fruitful exchange of views on the items deliberated during that meeting:

1. **Recommends** Member States to contribute in the work of ILC, in particular by communicating their comments and observations regarding issues identified by the ILC on various topics currently on its agenda to the Commission;
2. **Requests** the Secretary-General to continue convening AALCO-ILC meetings in future;
3. **Also requests** the Secretary-General to bring to the attention of the ILC the views expressed by Member States during the annual sessions on the items on its agenda during the Forty-Eighth Session of the AALCO; and
4. **Decides** to place the item on the provisional agenda of its Forty-Ninth Annual Session.

**AALCO/RES/48/S 3
20 AUGUST 2009**

THE STATUS AND TREATMENT OF REFUGEES (*Non-deliberated*)

The Asian-African Legal Consultative Organization at the Forty-Eighth Session,

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/ S 3;

Reaffirming that the 1951 Convention relating to the Status of Refugees together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee law as applicable;

Recognizing that the fundamental principles and rights embodied in those instruments have provided a legal regime, within which millions of African refugees have been protected;

Recognizing also the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that those African countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood;

Stressing that the provision of relief and assistance to African refugees by the international community should be on an equitable and non-discriminatory basis:

1. **Notes with satisfaction** the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by African States in pursuance of their commitment towards the regional refugee protection regime;
2. **Welcomes** the adoption of the draft Convention for the Prevention of Internal Displacement and the Protection of and Assistance to Internally Displaced Persons in Africa;
3. **Calls upon** African Member States who have not yet done so to consider accession to the 1951 Convention and its 1967 Protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; and
4. **Decides to** place this item on the provisional agenda of its Forty-Ninth Annual Session.

**AALCO/RES/48/S 4
20 AUGUST 2009**

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-Eighth Session,

Having considered the Secretariat Document No. AALCO/48/ PUTRAJAYA/ 2009/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 concerned with the serious obstacles created by the occupying power, which hinder the achievement of a just and lasting peace in the region;

Recognizing that the massive Israeli military operation in the Occupied Palestinian Territories, particularly in the occupied Gaza strip, has caused grave violations of the human rights of the Palestinian civilians therein and international humanitarian law, and exacerbated the severe humanitarian crisis in the Occupied Palestinian Territories;

Also recognizing that the Israeli siege imposed on the occupied Gaza strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences;

Welcoming the international and regional initiatives for peace in the Middle East;

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 Territories, including East Jerusalem and Gaza strip, the continuous deportation of Palestinians from their homeland, and the continuing serious and systematic violation of human rights of the Palestinian people by Israel, the

occupying power, including that arising from the excessive use of force, the use of collective punishment, the occupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall in the Occupied Palestinian Territories, the destruction of property and infrastructure, use of prohibited weapons and all other actions designed to change the legal status, geographic composition of the Occupied Palestinian Territories, including East Jerusalem and Gaza strip, and about war crimes and crimes against humanity committed in these territories, and calling for the implementation of the relevant United Nations resolutions on the humanitarian situation of the Palestinian people;

Recalling 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 20 July 2004 and ES-10/17 of 15 December 2006), 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, including in and around East Jerusalem, and its associated regime, which is contrary to international law;

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

Expressing 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 Quartet Road Map;

Taking note of the conclusions and outcomes of all events held at both regional and international levels aiming at the achievement of a just, durable and comprehensive solution of the question of Palestine;

Affirming that a comprehensive, just and durable solution can only be achieved by ending the occupation in pursuance of the Charter of the United Nations, 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:

1. **Urges** its Member States to take active part in the peace process/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 242 (1967), 338 (1973), 425 (1978), 1397(2002) and 1860 (2009); and relevant General Assembly Resolutions, including 194 (1949) 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. **Takes note** of the result of the United Nations Secretary-General's Board of Enquiry as transmitted on 4 May 2009 to the Security Council as well as the findings of the recent report of the Special Rapporteur of the Human Rights Council and other regional organizations;
3. **Also takes note** of the report of the Independent Fact Finding Committee on Gaza presented to the League of Arab States on 30 April 2009;
4. **Strongly condemns** the shocking developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the deportation of Palestinians from their homeland, the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality against Palestinian civilians, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people;
5. **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;
6. **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);
7. **Strongly demands** that Israel stops and reverses the construction of the wall in the Occupied Palestinian Territories;
8. **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 territories occupied since 1967;

9. **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;
10. **Directs** the Secretariat to closely follow 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-Ninth Annual Session.

**AALCO/RES/48/S 5
20 AUGUST 2009**

LEGAL PROTECTION OF MIGRANT WORKERS (*Non-deliberated*)

The Asian-African Legal Consultative Organization at the Forty-Eighth Session,

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/ 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 that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin;

Recognizing the positive contributions of migrants to the host country;

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, *inter alia*, to their presence in the host country and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles for migrants who are non-documented or in an irregular situation, to return to their country of origin;

Deeply concerned with the occurrence of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world;

1. **Requests** all Member States, in conformity with their respective constitutional systems, to effectively promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights and other applicable international instruments to which they are party;
2. **Strongly condemns** all forms of racial discrimination and xenophobia with regard to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and

welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

3. **Reiterates** the need for Member States to protect the universally recognized human rights of migrants, especially women and children, and to provide humane treatment, in particular with regard to assistance and protection, including having the right to have access to consular assistance from the country of nationality under the Vienna Convention on Consular Relations 1963;
4. **Encourages** Member States that have not yet done so to enact domestic criminal legislation to combat transnational trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or includes different forms of servitude or exploitation, such as any form of debt bondage, sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking; and
5. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

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

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 6;

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

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, peaceful settlement of disputes and right to development;

Also expressing its deepest concern as regards the imposition against the AALCO Member States with additional and new series of sanctions against Myanmar, Islamic Republic of Iran, Syrian Arab Republic and the Republic of Sudan by the United States of America;

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;

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

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;
2. **Urges** Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this subject; and
3. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

**INTERNATIONAL TERRORISM
(Non-deliberated)**

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 7;

Recalling the relevant international instruments, where applicable, and 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;

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 Convention on International Terrorism based on the draft proposal made by the Republic of India;

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 effort to eliminate terrorism must be strengthened in accordance with the Charter of the United Nations and taking into account international human rights law, international humanitarian law, and refugee law;

Calling for an early conclusion and the adoption of a comprehensive convention on international terrorism by expediting the elaboration of a universally acceptable definition of terrorism:

1. **Encourages** Member States to consider ratifying/acceding to the relevant conventions on terrorism;
2. **Also encourages** Member States to participate in the work of the above mentioned Ad Hoc Committee on International Terrorism;
3. **Directs** the Secretariat to follow and report on the progress of work in the Ad Hoc Committee on International Terrorism;
4. **Also directs** the Secretariat to collect national legislation on combating terrorism to facilitate exchange of information among Member States;

5. **Requests** the Secretary-General to hold seminars and joint activities in cooperation with other international organizations, especially UNODC, on dealing with the legal aspects of combating terrorism; and
6. **Decides** to place the item on the provisional agenda of its Forty-Ninth Annual Session.

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

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 9;

Having heard with appreciation the introductory statement of the 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 Seventh Session and First and Second Resumptions of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC);

Also taking note of the progress of cases before the ICC;

Being aware of the importance of the universal acceptance of the Rome Statute of the ICC 1998;

Appreciating the successful convening of the seminar jointly organized by AALCO and the Government of Japan on the topic "The International Criminal Court: Emerging Issues and Future Challenges", held at New Delhi on 18 March 2009;

Hoping that the Report of the above-mentioned seminar would be useful to Member States attending the forthcoming Review Conference of the Rome Statute, scheduled to be held in Kampala, Uganda, from 31 May to 11 June 2010;

Thanking the Government of Japan for the financial and technical assistance rendered towards holding that seminar:

1. **Encourages** Member States which are not yet party to consider ratifying/acceding to the Rome Statute;
2. **Also encourages** Member States that have ratified the Rome Statute to consider becoming party to the Agreement on the Privileges and Immunities of the ICC;
3. **Urges** Member States to actively participate in the ongoing deliberations regarding the crime of aggression with a view to elaborating proposals for provisions on the crime of aggression, in accordance with Article 123 of the Rome Statute;

4. **Directs** the Secretariat to follow the ongoing deliberations regarding 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 the forthcoming deliberations in the Eighth Assembly of the States Parties and its subsequent meetings, and follow the developments regarding cases taken up by the ICC, and present a report at its Forty-Ninth Annual Session;
6. **Notes** that the Review Conference to be held in 2010 provides an opportunity to address issues in the Rome Statute that have been identified by States Parties, including States that are not parties to the Rome Statute, in particular the definition of the crime of aggression and the conditions of exercising the Court's jurisdiction;
7. **Encourages** Member States to actively participate in the forthcoming Review Conference with a view to consolidating the positions of the Asian-African States;
8. **Requests** the Secretary-General to explore the possibility of convening an Expert Group before the Eighth Assembly of States Parties scheduled from 18 to 26 November 2009 to formulate a consolidated and cohesive approach on the substantive proposals to be considered at the Assembly;
9. **Requests** the Secretary-General to explore the possibility of the Secretariat's participation at the forthcoming Review Conference; and
10. **Decides** to place the item on the provisional agenda of its Forty-Ninth Annual Session.

AALCO/RES/48/S 10
20 AUGUST 2009

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT (*Non- deliberated*)

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 10;

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 at Johannesburg in 2002, and hoping that the Plan of Implementation adopted will be effectively implemented within the specified time frame;

Also welcoming the World Summit 2005 Outcome document 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 the importance of the on-going negotiations for an International Agreement on stronger international action on climate change for the period beyond 2012, as laid down in the Bali Action Plan adopted by the United Nations Climate Change Conference, held at Bali, Republic of Indonesia from 3 to 15 December 2007;

Hoping that the Fifteenth Conference of Parties to the United Nations Framework Convention on Climate Change, scheduled to take place in Copenhagen, Denmark from 7 to 8 December 2009 would be able to shape an effective response to 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 the implementation of the United Nations Framework Convention on Climate

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

2. **Also directs** the Secretariat to follow the on-going negotiations for an International Agreement on stronger international action on climate change for the period beyond 2012, as laid down in the Bali Action Plan;
3. **Requests** the Secretary-General to take necessary measures to follow up the Nairobi Resolution on Environmental Law and Sustainable Development; and
4. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

**AALCO/RES/48/S 11
20 AUGUST 2009**

**AN EFFECTIVE INTERNATIONAL LEGAL INSTRUMENT AGAINST
CORRUPTION (*Non-deliberated*)**

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 11;

Concerned about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law;

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development;

Convinced also of the need to provide, upon request, technical assistance designed to improve public management systems and to enhance accountability and transparency:

1. **Urges** Member States carefully to consider the problems posed by the international aspects of corrupt practices, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities;
2. **Encourages** all Governments to prevent, combat and penalize corruption in all its forms, including bribery, money-laundering and the transfer of illicitly acquired assets, and to work for the prompt return of such assets through asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly Chapter V;
3. **Also encourages** all Member States who have not yet ratified/acceded to the UN Convention against Corruption to do so as quickly as possible in an effort to tackle the issues of corruption effectively;
4. **Welcomes** the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms in accordance with the United Nations Convention against Corruption;

5. **Directs** the Secretariat to collect national legislation on combating corruption to facilitate exchange of information among Member States;
6. **Decides** to continue to consider this item with all its relevant elements and requests the Secretariat to come up with an updated title; and
7. **Also decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

**AALCO/RES/48/S 12
20 AUGUST 2009**

**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- Eighth Session,

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 12;

Being aware of the UNCITRAL's contribution in the preparation and finalization of the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea:

1. **Takes note** that the adoption of the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea which may be regarded as an appropriate basis for the uniform rules to modernize and harmonize the rules that govern the international carriage of goods by sea;
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. **Encourages** Member States to consider adopting, ratifying or acceding to the instruments prepared by the UNCITRAL, where appropriate; and
4. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

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

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 13;

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

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

Hoping that the Doha Round of Negotiations would conclude successfully in the near future;

1. **Encourages** Member States to successfully complete negotiations mandated under the Doha Development Agenda, taking fully into consideration the special concerns of developing and least-developed country Members of WTO;
2. **Directs** the Secretariat to continue to monitor and report on the Doha Round of Negotiations, 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 seminars or workshops to facilitate the exchange of views by Member States on issues currently under negotiation within the WTO and capacity building programs; and
4. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

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

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

Having Considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 14;

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 October 2007;

1. **Expresses** the hope that the WIPO IGC would be able to adopt an international legal and policy framework for the protection of expressions 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 future work of the agenda item at all WIPO meetings;
4. **Directs** the Secretary-General to follow 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 this item on the provisional agenda of its Forty-Ninth Annual Session.

**AALCO/RES/48/S 15
20 AUGUST 2009**

HUMAN RIGHTS IN ISLAM (*Non-Deliberated*)

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 15;

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

Convinced of the need to emphasize the human rights principles enshrined in Islam;

Commends the role of Islam in preserving and protecting human rights and promoting peace and peaceful co-existence;

Recognizing 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;

Appreciating the effort of the Government of Malaysia in successfully hosting the Meeting of International Experts on Human Rights in Islam, which was co-organized with the Kingdom of Saudi Arabia and in collaboration with the AALCO Secretariat from 15-19 May 2006 in Kuala Lumpur, which proved to be a platform to examine the Islamic principles of human rights with a view to enhancing international cooperation based on mutual respect, tolerance and understanding;

1. **Urges** the Member States to forward their views and observations on the item to the Secretariat, in order to facilitate further the preparation of an in-depth study; and
2. **Decides** to place this item on the provisional agenda of its annual sessions, as and when required.

**MANAGING GLOBAL FINANCIAL CRISIS: SHARING OF EXPERIENCES
(Deliberated)**

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

Having considered the Explanatory Note by the Secretary-General of AALCO concerning the item;

Having heard with appreciation the introductory statement of the Secretary-General;

Having followed with great interest the deliberations on the item reflecting the views of Member States and the Panelists;

Recognizing the significance of the topic, especially the legal aspects, for the Asian-African countries in the context of the ongoing global financial crisis and its impact on development;

Being aware of the adverse consequences of the global financial crisis on the economic growth and development of Member States of AALCO, and their efforts to resolve it;

Noting the efforts of the international community to address the global financial crisis, particularly, convening of the *UN Conference on the World Financial and Economic Crisis and its Impact on Development* by the United Nations from 24th to 30th June 2009 in New York to assess the global financial crisis;

Taking note of the Resolution (A/RES/63/303) adopted by the United Nations General Assembly on 9th July 2009 on the *Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development*:

- 1. Appreciates** the timely initiative of the Secretary-General to place the item on the agenda of the Forty-Eighth Annual Session of AALCO;
- 2. Emphasizes** the need for strengthening the foundation for a fair, inclusive and sustainable global financial system;
- 3. Recognizes** that disruption in the financial market, loss of confidence, inadequate surveillance of the financial sector and lack of early warning led to the global financial crisis;

4. **Affirms** the need by Member States to review their respective legal framework to address the financial crisis including regulatory and supervisory mechanisms;
5. **Also recognizes** the need to reform and strengthen the international financial and economic system, as appropriate, to adapt to the current global financial realities;
6. **Calls upon** Member States to forward to the Secretariat their views and suggestions on this item, so as to guide the Secretariat on the future course of action; and
7. **Decides** to place this item on the provisional agenda of its annual sessions, as and when required.

**AALCO/RES/48/SP 1
20 AUGUST 2009**

**RESOLUTION ON THE SPECIAL MEETING ON
“TRANSNATIONAL MIGRATION: TRAFFICKING IN PERSONS AND
SMUGGLING OF MIGRANTS”**

The Asian-African Legal Consultative Organization at its Forty-Eighth session,

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 8;

Having heard with appreciation the views expressed by the Chairperson and the Panelists and the statements of the Member States during the Special Meeting on “Transnational Migration: Trafficking in Persons and Smuggling of Migrants” jointly organized by the Government of Malaysia and the AALCO on 19 August 2009 at Putrajaya, Malaysia;

Being mindful of the increasing number of individuals being exploited through trafficking in persons and smuggling of migrants, including from the Asian-African region;

Recalling the significance of migration-related issues for all countries, in particular the Asian-African countries;

Convinced of the need to eliminate all forms of trafficking in persons and smuggling of migrants, bearing in mind the overlapping nature between trafficking in persons and smuggling of migrants, which are flagrant violations of human rights;

Taking note of the continuing efforts of Member States in combating trafficking in persons and smuggling of migrants, and encouraging them to inform and update the Secretariat of pertinent developments in their respective States, in order to share experiences amongst Member States;

Realizing the urgent need to further strengthen measures adopted nationally, regionally and internationally to protect innocent victims of trafficking in persons and smuggling of migrants;

Being aware of the on-going work on a model legislation as mandated by the Forty-Third Annual Session of AALCO held in Bali, Republic of Indonesia in 2004 by the AALCO Secretariat;

Acknowledging with appreciation that some Member States have submitted to the AALCO Secretariat their national legislation and other relevant information related to the topic, and calling upon other Member States to do the same;

1. **Encourages** Member States which are not yet party to consider ratifying/acceding to the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol Against the Smuggling of Migrants by Land, Sea and Air, adopted in 2000;
2. **Also encourages** Member States to consider holding regional and intra-regional meetings in order to coordinate efforts to combat these offences;
3. **Further encourages** Member States to address this issue from a human rights perspective, with emphasis on protecting and assisting the victims of trafficking in persons and smuggling of migrants;
4. **Directs** the Secretariat to monitor and report on the developments in this regard, including the work undertaken by other fora;
5. **Mandates** the Secretary-General to constitute an open-ended Committee of Experts to conduct a study on ways and means to enhance mutual legal assistance in criminal matters among Member States for their further consideration;
6. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.

**AALCO/RES/48/SP 2
20 AUGUST 2009**

**RESOLUTION ON THE SPECIAL MEETING ON
“THE LAW OF THE SEA”**

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

Having considered the Secretariat Document No. AALCO/48/PUTRAJAYA/2009/S 2;

Having heard with appreciation the views expressed by the Chairperson and the Panelists and the statements of the Member States during the Special Meeting on the “Law of the Sea” jointly organized by the Government of Malaysia, the International Tribunal for the Law of the Sea (ITLOS) and AALCO on 19 August 2009 at Putrajaya, Malaysia;

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 AALCO in the elaboration of the UNCLOS;

Being conscious that AALCO has been regularly following the implementation of the UNCLOS and its implementing agreements;

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

Taking note of the deliberations at the United Nations Open-ended Informal Consultative Process on Ocean Affairs and Law of the Sea (UNICPOLOS) established by the General Assembly to facilitate annual review of the developments in ocean affairs;

Being deeply concerned about the phenomenal increase in piracy, and its adverse effect on human life, trade and commerce;

Appreciating the efforts taken by Member States to combat piracy;

Welcoming the active role being played by the ITLOS in the peaceful settlement of disputes with regard to ocean related matters:

1. **Commends** the Government of Malaysia, the ITLOS and the AALCO Secretariat for their earnest efforts in organizing this Special Meeting on the “Law of the Sea”;

2. **Extends gratitude to** the Panelists who have given valuable insight on the important aspects of the topic on the issues of “Maritime Security and Piracy” and “Delimitation of Maritime Boundaries” during this Special Meeting;
3. **Reaffirms** that in accordance with Part XI of the UNCLOS, the “Area” and its resources are the common heritage of mankind and should be used for the benefit of mankind as a whole;
4. **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 UNCLOS, as well as in the UNICPOLOS so as to ensure and safeguard their legitimate interests;
5. **Decides** to place this item on the provisional agenda of its Forty-Ninth Annual Session.