

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

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Recalling** the functions and purposes of the Organization as stipulated 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/51/ABUJA/2012/ORG 1;

**Having heard** with appreciation the introductory statement of the Secretary-General on the Report of the Secretary-General on Organizational, Administrative and Financial Matters;

**Also having heard** with keen interest and appreciation the statements of the Heads of Delegations of AALCO Member States on the Report of the Secretary-General;

**Appreciating** the efforts of the Secretary-General to enhance the activities of the Organization and to implement its work programme as approved at its Fiftieth Annual Session held in Colombo, Democratic Socialist Republic of Sri Lanka, from 27 June – 1 July 2011;

**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 Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization; and the Action Plan as explained in Document No. AALCO/ES (NEW DELHI)/2008/ORG.1 adopted by the Extraordinary Session of AALCO Member States held on 1 December 2008, in New Delhi (Headquarters), India;

**Welcoming** the efforts by the Secretary-General for Revitalizing and Strengthening the AALCO;

**Appreciating** the Report of the Chairman on the Second Meeting of the AALCO EPG Eminent Persons Group (EPG) held on 9<sup>th</sup> April 2012, at the AALCO Headquarters in New Delhi, and also taking note of the proposals made by Member States during that Meeting;

**Taking note** of the Report of the Chairman of the Sub-Committee of Liaison Officers of AALCO Member States on the AALCO Secretariat's Human Resources and Financial Matters;

**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 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;
1. **Endorses** the continuation of the AALCO-EPG and urges it to initiate the necessary follow-up action according to the proposals made at the above mentioned meeting held at the AALCO Headquarters in April 2012;
2. **Further** extends the mandate of the Sub-Committee of Liaison Officers of Member States on the AALCO Secretariat's Human Resources and Financial Matters;
3. **Encourages** the Member States to actively participate in the Sub-Committee of Liaison Officers of Member States on the AALCO Secretariat's Human Resources and Financial Matters so as to enable it to place its Report at the Fifty-Second Session of the Organization;
6. **Encourages** Member States to make voluntary contributions to support the capacity building activities under the approved work programme of the Organization; and
7. **Further requests** the Secretary-General to report on the activities of the Organization at its Fifty-Second Annual Session.

**REVISION OF AALCO'S GRATUITY SCHEME FOR THE LOCALLY RECRUITED  
STAFF**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Mindful** of the Administrative, Financial and Staff Regulations of the Organization adopted in 1990;

**Having considered** the views of the Secretary-General on the rationale for the welfare of the Staff and upward revision of the amount of terminal gratuity payable to the locally recruited staff;

**Noting that** the salary structure and other staff amenities applicable to the locally recruited staff closely follows that of the Host Government of AALCO, that is, the Government of India;

**Recalling its** previous resolutions on this subject matter RES/43/ORG 10 (adopted on 25 June 2004, Bali, Indonesia) and RES/49/ORG 1 (8 August 2010, Dar es Salaam, United Republic of Tanzania), with a view to build upon them and simplify them;

**Welcoming** the initiative of the Secretary-General to revise the gratuity scheme for the locally recruited staff;

**Revising** Rule 10.3 of Chapter X on "Retiral Benefits" under the Administrative, Financial and Staff Regulations of the Organization, 1990 which shall be implemented retrospectively in the AALCO Secretariat from 1<sup>st</sup> January 2006;

1. **Approves** the proposal of the Secretary-General to revise the gratuity scheme and the formula for computation of gratuity applied to the locally recruited AALCO Secretariat Staff to be adopted, as follows;

**"10.3: Gratuity Scheme**

- (i) *There shall be a Terminal Gratuity Scheme for the locally recruited staff members of the Secretariat.*
- (ii) *The criteria for eligibility of the terminal gratuity benefits shall be as follows:*
  - (a) *An employee shall be eligible for a terminal gratuity award subject to a minimum qualifying period of five years continuous service with the Organization, and*
  - (b) *The terminal gratuity award shall be payable on retirement at the stipulated age; or on health grounds; or redundancy or other justified grounds; or in the event of death during employment.*

- (iii) *The terminal gratuity award shall be payable at the following rates:*
- (a) *For services of 20 years or above with the Organization, a full month's salary for each completed year of service upto a maximum period of 16 ½ years or alternatively, a monetary ceiling of Rs. 10,00,000/- (Rs. Ten lakhs), whichever is less, and*
  - (b) *For services under 20 years with the Organization, 85% of the monthly salary for each completed year of service upto a maximum period of 16 ½ years, or alternatively, a monetary ceiling of Rs. 10, 00,000/- (Rs. Ten lakhs) whichever is less.*

*For the purposes of calculation, 'monthly salary' shall mean the Basic Pay plus the Dearness Allowance (Basic Pay + DA) which a staff member shall be receiving immediately before his/her retirement or cessation of service. Any 'period' above six months shall be rounded off to a year and any period of less than six months, shall be ignored.*

- (iv) *In the event of an employee's death during employment, the benefits shall be payable to the mandated heir(s) or dependents of the employee.*
  - (v) *Gratuity shall not be awarded in case of dismissal for gross misconduct, misdemeanor, or behavior likely to bring the Organization into disrepute."*
2. **Gratuity Ceiling:** The ceiling limit of the terminal gratuity award shall be in consonance with the then prevailing ceiling limit as and when adopted by the Government of India;
3. **Requests** the Secretary-General to amend the existing gratuity scheme and implement the same in accordance with the new scheme enumerated above.

**AALCO'S BUDGET FOR THE YEAR 2013**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having heard** with appreciation the introductory statement of the Secretary- General on the Proposed Budget for the Year 2013 as contained in Secretariat Document No. AALCO/51/ABUJA/2012/ORG 2;

**Taking note** of the comments of the Member States on the Proposed Budget;

**Noting further** the Proposed Budget for the year 2013 was placed before the 314<sup>th</sup> and Resumed 314<sup>th</sup> Meetings of the Liaison Officers held on 16 December 2011 and 24 January 2012 respectively, at the Headquarters, New Delhi; and adopted at the 315<sup>th</sup> Meeting of the Liaison Officers held on 7 March 2012, and submitted to the Fifty-First Annual Session for final approval;

**Considering** that the Proposed Budget for the year 2013 is a realistic budget depending on the actual contributions received as urged by some Member States during the Forty-Ninth Annual Session of AALCO held in United Republic of Tanzania in 2010;

**Noting with** appreciation the part arrears paid by the Government of Iraq on the basis of Memorandum of Understanding (MoU) and requesting other Member States in large arrears to follow suit;

**Expressing** deep concern over the financial difficulties faced by AALCO and the need to take appropriate measures to overcome the financial crisis including the collection of arrears;

**Acknowledging** the 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;

**Considering** all the above-mentioned reasons to place the Organization on a firm financial footing:

1. **Approves** the Budget for the year 2013 as proposed.
2. **Requests** Member States who have not paid their annual contribution for the year 2012, to do so at the earliest in order to ensure the effective functioning of the Organization.

3. **Encourages** Member States to make voluntary financial contribution in order to improve the financial situation of AALCO and to ensure that it has always a six-month operational fund.
4. **Strongly urges** Member States who are in arrears to fulfill their financial obligation and to expeditiously clear the same in accordance with the Statutes and Statutory Rules of AALCO.
5. **Mandates** the Secretary-General to explore ways and means of raising funds by additional sources in accordance with the Statutes and Statutory Rules of AALCO, and
6. **Decides** to place this item on the provisional agenda of the Fifty-Second Annual Session.

**THE SUB-COMMITTEE ON AALCO SECRETARIAT'S HUMAN  
RESOURCES AND FINANCIAL MATTERS**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having noted and considered** the Secretariat Document AALCO/Sub-Committee/HRFM/1 and 2/29.5.2012, the Report of the Sub-Committee on Human Resources and Financial Matters,

**Noting with** appreciation the introductory remarks of the Deputy Secretary-General;

**Recalling and reiterating** the decisions taken at the consecutive Annual Sessions of the Asian-African Legal Consultative Organization, in particular the resolutions adopted on the Human Resources and Financial Matters and ,

**Having followed** with great interest the comments on the item reflecting the views of Member States contained in the report;

**Noting** that the report also stressed that a few legal officers need to be employed to conduct sufficient professional work to meet the expectation and mandate received from Member States,

**Noting** that the recent high inflation rate in India and certain other factors which had been brought to the attention of member States in 2008 Extraordinary Session, has adversely affected the financial balance of AALCO,

**Noting** the fact stated in the Report that other international organizations in Delhi also face the same problem and identified their own means to address the issue and receive support from member states,

- 1. Request** that the Secretariat further explore ways and means to cut unnecessary office expenses,
- 2. Also request** that the Secretariat further negotiate with countries having arrears to pay their due amount, and
- 3. Mandates** the AALCO Secretariat to look into all possibilities while framing the 2014 budget to achieve sustainable, balanced and stringent budget which will enable and satisfy the needs of Member States.

**REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Considering** the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/51/ABUJA/2012/ORG 3;

**Noting** with appreciation the introductory remarks of the Deputy Secretary-General and the report of the Directors of the Regional Arbitration Centres;

**Reaffirming** the commitment by the Governments of Member States towards enhancing the role of the Regional Arbitration Centres;

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

**Expressing 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 Malaysia, Arab Republic of Egypt, Federal Republic of Nigeria, the Islamic Republic of Iran, and Republic of Kenya for hosting the respective Regional Arbitration Centres;

**Further appreciating** 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;

**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;

**Further 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, 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.

2. **Consider** the formation of a common system both administratively and financially between the Centres and common standard for the qualification of arbitrators.
3. **Directs** the Arbitration Centres to meet at every AALCO Annual Sessions to enable an exchange of ideas and to report the outcome to the Organization.
4. **Requests** the Secretary-General to take initiative to promote the Arbitration Centres among Member States and to work toward establishing another Arbitration Centre in the South Asian region.
5. **Decides** to place this item on the provisional agenda of the Fifty-Second Annual Session.

**REPORT ON THE CENTRE FOR RESEARCH AND TRAINING OF THE AALCO**  
*The Asian-African Legal Consultative Organization at its Fifty-first Session,*

**Having considered** the Secretariat Report on the Centre for Research and Training (CRT) of the AALCO, contained in Document No. AALCO/51/ABUJA / 2012/ 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,

**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 CRT could play in furthering the mandate of the Organization in making the best use of the Headquarters which is 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,

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 the website 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 spread 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; and
8. **Decides** to place this item on the provisional agenda of its Fifty-Second Session.

**REAPPOINTMENT OF THE SECRETARY-GENERAL**  
*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having heard** the statement of H.E. Mr. Rauff Hakeem, the President of the Fiftieth Annual Session of AALCO,

**Recalling** Rule 20 (1) of AALCO's Statutory Rules,

**Recalling also** that the Member States had, at its Forty-Seventh Annual Session held in New Delhi (HQ) (2008), unanimously appointed Prof. Dr. Rahmat Mohamad, of Malaysia, as the Secretary-General of AALCO, for a term of four years on 30 June 2008. For some pressing official reasons he commenced his duties on 15 August 2008,

**Also taking note** of the decision of the Government of Malaysia extending its full support for the re-appointment of the current Secretary-General and its request for support from Member States for his re-appointment, vide its Note dated 26 March 2012,

**Considering that**, in accordance with Rule 20 (1) of its Statutory Rules the current Secretary-General is eligible for re-appointment for only one further term of four years (2012-2016),

**Also considering** that many Member States officially supported the re-appointment of Prof. Dr. Rahmat Mohamad for another term of four years,

**Taking note** of the unanimous response of the Member States to the request of the President of the Fifty-First Annual Session inviting them to endorse the reappointment of Prof. Dr. Rahmat Mohamad by acclamation,

1. **Acknowledges** with appreciation the significant contribution made by the current Secretary-General in enhancing the image, role and activities of the Organization, and in rationalizing its work programme, as well as his prudent management of its budget; and
2. **Decides** to reappoint Prof. Dr. Rahmat Mohamad as Secretary-General of AALCO with effect from 22 June 2012, for a second and final term of four years.

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

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having considered** the Secretariat Document No. AALCO/50/COLOMBO/2011/S 3;

**Reaffirming** the importance of the 1951 Convention relating to the Status of Refugees (the 1951 Convention) together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969, as the cornerstone of the international system for the protection of refugees;

**Commending** the Office of the United Nations High Commissioner for Refugees (UNHCR) for the important contribution which it has made towards the protection of refugees and internally displaced persons, since the establishment of the UNHCR:

**Deploring** the widespread violations of the principle of non-refoulement and of the rights of refugees in many parts of the world.

1. **Acknowledges** the **desirability** of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;
2. **Calls upon** all States that have not yet done so to ratify/accede to and to implement fully the 1951 Convention relating to the Status of refugees and the 1967 Protocol thereto and other relevant regional instrument as the case may be;
3. **Directs** the Secretariat to explore the possibility to jointly organize a seminar/workshop in collaboration with the UNHCR towards studying the feasibility of drafting a Model Law on Refugees and Internally Displaced Persons in the Asian-African region; and
4. **Decides** to place this item on the provisional agenda at its Fifty-Second Annual Session.

**THE DEPORTATION OF PALESTINIANS AND OTHER ISRAELI PRACTICES  
AMONG THEM THE MASSIVE IMMIGRATION AND SETTLEMENT OF JEWS IN  
ALL OCCUPIED TERRITORIES IN VIOLATION OF INTERNATIONAL LAW  
PARTICULARLY THE FOURTH GENEVA CONVENTION OF 1949  
(Deliberated)**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having considered** the Secretariat Document No. AALCO/51/ABUJA/2012/S 4,

**Noting with** appreciation the introductory remarks of the Deputy Secretary-General;

**Recalling and reiterating** the decisions taken at the consecutive Annual Sessions of the Asian-African Legal Consultative Organization since 1988, when the topic was first introduced on the agenda of the Organization, in particular the decisions adopted on 22 April 1998 and 23 April 1999,

**Also recalling and reiterating** the resolutions adopted on 23 February 2000; RES/40/4 of 24 June 2001; RES/41/4 of 19 July 2002; RES/42/3 of 20 June 2003; RES/43/S 4 of 25 June 2004; RES/44/S 4 of 1 July 2005; RES/45/S 4 of 8 April 2006; RESW/46/S 4 of 6 July 2007; RES/47/S 4 of 4 July 2008; RES/48/S 4 of 20 August 2009; RES/49/S 4 of 8 August 2010 and RES/50/S 4 of 1 July 2011,

**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 to 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 14<sup>th</sup> Arab Summit held in Beirut (Lebanon) on 28 March 2002 and reaffirmed in the 19<sup>th</sup> 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 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 agreement 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 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 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 positively respond to the 2009 Report of Mr. Richard Falk the Special Rapporteur for the Palestinian Territories Occupied Since 1967 and 2010 Report and Recommendations of Justice Goldstone, United Nations Fact Finding Mission on the Gaza Conflict in order to protect the rights of Palestinians.
7. **Further 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 20<sup>th</sup> July 2004).
8. **Strongly demands** that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory.

9. **Strongly deplores** the Israeli blockade of the Gaza strip and its consequent human rights and humanitarian law violation and the Israeli attack against the humanitarian aid Flotilla.
10. **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.
11. **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.
12. **Directs** the Secretariat to closely follow the developments in occupied territories from the view point of relevant legal aspects.
- 12*bis* Requests the Secretary-General and the Secretariat to conduct a study to examine and establish the legal requirements and principles that would determine the status of Palestine as a State. This study shall take into consideration the requirements of international law and existing international norms and standards particularly the provisions of the Montevideo Convention on the Rights and Duties of States. The Secretary-General shall submit the outcome of the study for Member States further consideration.
13. **Decides** to place the item on the provisional agenda of the Fifty-second Annual Session.

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

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

**Having considered** the Secretariat Document No. AALCO/51/ABHUJA/ 2012 /S 5;

**Acknowledging** the important contribution provided by migrants and migration to development, as well as the complex interrelationship between migration and development,

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 international legal instruments to which they are party;
2. **Encourages** Governments of countries of origin, countries of transit and countries of destination to increase cooperation on issues related to migration;
3. **Also encourages** Member States that have not yet done so to consider ratifying/acceding to the relevant international legal instruments on the situation of migrant workers, particularly the ICMW 1990; and
4. **Decides** to place this item on the provisional agenda of its Fifty-Second Annual Session.

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

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Considering** the Secretariat Document No. AALCO/51/ABUJA/2012/SD/S 6;

**Noting with** appreciation the introductory statement of the Deputy Secretary-General;

**Recalling** its Resolutions RES/36/6 of 7 May 1997, RES/37/5 of 18 April 1998, RES/38/6 of 23 April 1999, RES/39/5 of 23 February 2000, RES/40/5 of 24 June 2001, RES/41/6 of 19 July 2002, RES/42/6 of 20 June 2003, RES/43/6 of 25 June 2004, RES/44/6 of 1 July 2005, RES/45/S 6 of 8 April 2006, RES/46/S 7 of 6 July 2007, RES/47/S 6 of 4 July 2008, RES/48/S 6 of 20 August 2009, RES/49/S 6 of 8 August 2010 and RES/50/S 6 of 1 July 2011 on the subject;

**Recognizing** the significance and implications of the above subject;

**Expressing** its profound concern that the imposition of unilateral sanctions on third parties is violation of the United Nations Charter and in contradiction with the general principles of international law, particularly state immunity, non- interference in internal affairs, sovereign equality, the right to development, and freedom of trade and peaceful settlement of disputes;

**Condemning** the imposition of restrictions against AALCO Members States, Syrian Arab Republic and Islamic Republic of Iran by the Government of the United States of America;

**Condemning also** the adoption of restrictive measures against states, especially in cases where the functional organs of a sovereign State, like Central Banks, are subjected to sanctions which violate immunity of State and its properties;

**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. **Requests** 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. **Also requests** the Secretariat to undertake a special study on this topic dealing with the legal implications of application of unilateral sanctions on third parties;
3. **Urges** Member States to provide relevant information and materials to the Secretariat relating to national legislation and related information on this subject, and
4. **Decides** to place this item on the provisional agenda of the Fifty-Second Annual Session.

**ESTABLISHING COOPERATION AGAINST  
TRAFFICKING IN WOMEN AND CHILDREN  
(Non-Deliberated)**

*The Asian-African Legal Consultative Organization at its Fifty-First Annual session,*

**Considering** the Secretariat Document No. AALCO/51/ABUJA/2012/S 8;

**Being Mindful of** the increasing number of individuals being exploited through trafficking in persons especially women and children and smuggling of migrants, including from the Asian-African region;

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

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

**Also noting** the significance of gender equality as a necessary factor towards women empowerment and appreciating every effort taken by AALCO Member States to address this issue;

**Acknowledging** with appreciation that some Member States have submitted to the AALCO Secretariat their national legislations and other relevant information related to the topic,

1. **Encourages** the 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, adopted in 2000;
2. **Invites** Member States who have not yet done so to submit to the Secretariat their national legislations and other information related to the topic;
3. **Directs** the Secretariat to follow and report on the developments in this regard, including the work undertaken by other fora;
4. **Mandates** the Secretary-General to constitute an open-ended Committee of Experts to conduct study on ways and means on how to enhance mutual legal assistance in criminal matters among Member States for their further consideration;
5. **Decides** to place this item on the provisional agenda of the Fifty-Second Annual Session.

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

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Considering** the Secretariat Document No. AALCO/51/ABUJA/2012/S 9;

**Taking note** of the deliberations and decisions of the Review Conference of the Rome Statute of the International Criminal Court, and noting the progress in cases before the International Criminal Court (ICC);

**Also taking note** of the deliberations and decisions of the Tenth Session of the Assembly of States Parties to the Rome Statute of the ICC;

**Being aware** of the importance of the universal acceptance of the Rome Statute of the ICC and in particular, the principle of complementarity;

**Taking note** of the outcome of the Review Conference of the Rome Statute of the International Criminal Court held at Kampala, Uganda;

**Also Taking Note with appreciation** the convening and outcome of the “Meeting of Legal Experts on the Rome Statute of the International Criminal Court: Issues and Challenges” held on 19 and 20 July 2011, in Putrajaya, Malaysia,

1. **Encourages** Member States which are not yet party to consider ratifying/acceding to the Rome Statute and upon ratification/accession consider adopting necessary implementing legislation.
2. **Further 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. **Directs** the Secretariat to follow up the deliberations in the forthcoming Eleventh Session of the Assembly of States Parties and its meetings, and follow the developments regarding cases taken up by the ICC, and present a report at the Fifty-Second Annual Session,
4. **Requests** the Secretary-General to explore the possibility of convening a workshop in collaboration with the ICC, in a Member State of AALCO, for Prosecutors and Judges from AALCO Member States, aimed at capacity building and familiarizing them with the working of the ICC, and
5. **Decides** to place this item on the provisional agenda of the Fifty-Second Annual Session.

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**  
*(Deliberated)*

*The Asian-African Legal Consultative Organization at its Fifty-First Annual Session,*

**Considering** the Secretariat Document No. AALCO/51/ABUJA/2012/SD/S 10;

**Noting with** appreciation the introductory statement of the Deputy Secretary-General;

**Having followed** with great interest the deliberations on the item reflecting the views of the Member States on the agenda item “Environment and Sustainable Development”;

**Deeply concerned** with the deteriorating state of the global environment through various human activities, and unforeseen natural disasters;

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

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

**Underlying** that climate change is one of the greatest challenges of our time;

**Emphasizing** that strong political will to combat climate change in accordance with the principles of the United Nations Framework Convention on Climate Change, especially the principle of common but differentiated responsibilities and respective capabilities is essential;

**Recognizing** the importance of the on-going Bali Road-Map negotiations for stronger international cooperation on climate change for the period beyond 2012;

**Considering** the Durban Outcome adopted at the United Nations Climate Change Conference held at Durban, South Africa in December 2011 that established the Ad Hoc Working Group on the Durban Platform for Enhanced Action (“AWG-DPEA”) which would adopt, a new “protocol, another legal instrument or an agreed outcome with legal force” by 2015;

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

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

1. **Urges** Member States to actively participate in the on-going Bali Road-Map negotiations.
2. **Directs** the Secretariat to follow the on-going Bali Road-Map negotiations and Durban Outcome processes for enhancing international regime under the Convention to combat climate change.
3. **Further directs** the Secretariat to continue to follow up the progress in the implementation of the outcome of the Johannesburg Summit as well as follow up the progress in the implementation of the United Nations Framework Convention on Climate Change, Convention on Biological Diversity, and the United Nations Convention to Combat Desertification, and
4. **Decides** to place this item on the provisional agenda of the Fifty-Second Annual Session.

**CHALLENGES IN COMBATING CORRUPTION: THE ROLE OF THE UNITED  
NATIONS CONVENTION AGAINST CORRUPTION**  
*(Non-Deliberated)*

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

**Having considered** the Secretariat document contained in No. AALCO /51/ ABHUJA /2012/ S 11;

**Deeply concerned** about the impact of corruption on the political, social and economic stability and development of societies;

**Bearing in mind** that the prevention and combating of corruption is a common and shared responsibility of the international community, necessitating cooperation at the bilateral and multilateral levels;

**Noting** with appreciation the commitment of States Parties to the country review process in their capacities both as States parties under review and as reviewing States parties;

**Recalling** resolution 3/1 adopted by the Conference of State Parties to the United Nations Convention Against Corruption [UNCAC] at its third meeting held in November 2009 at Doha, by which the Conference had established the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and charged the Implementation Review Group with having an overview of the review process,

1. **Welcomes** the work undertaken by the Implementation Review Group;
2. **Encourages** Member States of AALCO who have not done so to consider ratifying/acceding to the United Nations Convention against Corruption so as to strengthen the fight against corruption;
3. Calls on Member States of AALCO, who are parties to the Convention, to conduct and provide legal assistance in investigation, prosecution and judicial proceedings in relation to the offences covered at the request of other parties.
4. **Decides** to place this item on the provisional agenda at its Fifty-Second Annual Session.

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

*The Asian-African Legal Consultative Organization at its Fifty-First Annual Session,*

**Considering** the Secretariat Document No. AALCO/51/ABUJA/2012/SD 12,

**Being aware** of the Finalized version of the UNCITRAL Model Law on Public Procurement and UNCITRAL Model Law on Cross-Border Insolvency: the judicial perspectives, at its forty-fourth session;

**Welcoming** the decision of the UNCITRAL to follow topics in the areas of settlement of commercial disputes, security interests and insolvency law and undertaking the work in the area of online dispute resolution;

**Taking note** of the adoption of UNIDROIT Principles on International Commercial Contracts and also the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets, 2012;

**Also Welcoming** the adoption of the “Hague Principles in Choice of Law in International Contracts”;

1. **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;
2. **Encourages** Member States to consider adopting, ratifying or acceding to the instruments prepared by the UNCITRAL and other International Organizations; and
3. **Decides** to place this item on the provisional agenda of the Fifty-Second Session.

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

**AALCO/ RES/ 51/ S 13  
22 JUNE 2012**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having considered** the Secretariat Document No. AALCO/51/ABHUJA /2012/S  
13;

**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 follow and report on the Doha Round of Negotiations, particularly the outcome of the review process concerning the WTO Dispute Settlement Understanding;
3. **Appreciates** the effort of the Centre for Research and Training (CRT) of AALCO in successfully organizing a Training Programme on 'Trade and Development Issues' from 21-25 May 2012, at AALCO Headquarters, New Delhi;
4. **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
5. **Decides** to place this item on the provisional agenda of its Fifty-Second Annual Session.

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

*The Asian-African Legal Consultative Organization at its Fifty-First Annual Session,*

**Considering** the Secretariat Document No. AALCO/51/ABUJA/2012/S 14;

**Recognizing** the importance of protection of the ‘Expressions of Folklore’ for the Asian-African countries;

**Welcoming** the World Intellectual Property Organization (WIPO) General Assembly initiative in establishing an Intergovernmental Committee (IGC) with the objective of reaching agreement on a text of an international legal instrument (or instruments) which will ensure the effective protection of Expressions of Folklore (EoF);

**Also welcoming** the work done by the Intersessional Working Group 1 in developing a legal instrument to protect the EoF:

1. **Expresses** the hope that the WIPO IGC would be able to reach agreement on a text of an international legal instrument (or instruments) which will ensure the effective protection of EoF.
2. **Requests** the Secretary-General to organize an Expert Meeting in cooperation with WIPO or with any other Member State(s), to facilitate the exchange of views by Member States on the issues relevant to the protection of EoF.
3. **Encourages** Member States of AALCO to actively participate in the future work of the agenda item at all the WIPO meetings.
4. **Directs** the Secretariat 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 the Fifty-Second Annual Session.

**RESOLUTION ON HALF-DAY SPECIAL MEETING ON “SELECTED ITEMS ON THE  
AGENDA OF THE INTERNATIONAL LAW COMMISSION”  
(Deliberated)**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having considered** the Secretariat Document No.AALCO/51/ABUJA/2012/S 1;

**Having heard** with appreciation the introductory statement of the Secretary-General and the views expressed by the Chairperson and the Panelists and the statements of the Member States during the Special Half-Day Meeting on “Selected Items on the Agenda of the International Law Commission” jointly organized by the Government of Federal Republic of Nigeria, International Law Commission (ILC) and AALCO held on 20 June 2012 at Abuja, Nigeria;

**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 for 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;

**Also Recognizing** the outstanding contribution of the Special Rapporteurs in preparation of Guide to Practice on Reservation of Treaties, Draft Articles on the Responsibility of International Organizations, and Draft Articles on Effects of Armed Conflicts on Treaties;

**Commending** the initiative of the Secretary-General in convening the Inter-Sessional Meeting of Legal Experts to discuss Matters relating to the ILC on 10 April 2012 at AALCO Headquarters, New Delhi, India and the fruitful exchange of views on the items deliberated during that meeting:

1. **Recommends** Member States to contribute to 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 of AALCO on the items on its agenda during its Fifty-First Annual Session, and
4. **Decides** to place the item on the provisional agenda of the Fifty-Second Annual Session.

**RESOLUTION ON HALF-DAY SPECIAL MEETING ON  
“THE LAW OF THE SEA  
RESPONSES TO PIRACY: INTERNATIONAL LEGAL CHALLENGES”  
(Deliberated)**

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Considering** the Secretariat Document No. AALCO/51/ABUJA/ 2012/S 2;

**Noting** with appreciation the introductory remarks of the Deputy Secretary-General and 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 – Responses to Piracy: International Legal Challenges” jointly organized by the Government of the Federal Republic of Nigeria, AALCO and the **United Nations Division of Ocean Affairs and the Law of the Sea** held on 20<sup>th</sup> June 2012 at Abuja, Nigeria

**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;

**Hopeful** that in view of the importance of the 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;

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

**Welcoming** the pre-eminent contribution and active role being played by the institutions established under the UNCLOS in relation to the peaceful settlement of disputes with regard to ocean related matters, the establishment of the outer limits of the Continental Shelf and the administration of the “Area”;

**Noting** with satisfaction the upcoming commemoration of the 30<sup>th</sup> Anniversary of the opening for signature of UNCLOS on 10 December 2012;

**Being aware** of the challenges faced by the international community on account of piracy:

**Condemning** the increasing incidents of all acts of piracy and armed robbery against vessels;

1. **Reaffirms** that in accordance with the UNCLOS, the “Area” and its resources are the common heritage of mankind.
2. **Encourages** 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 and also through effective contribution to the work of the Commission on the Limits of Continental Shelf, so as to ensure and safeguard their legitimate interests.
3. **Calls upon** the Member States that have not yet done so to ratify or accede to and implement fully the 1982 United Nations Convention on the Law of the Sea.
4. **Requests** the Secretary-General to forward this resolution to the Secretariat of UNCLOS in commemoration of the 30<sup>th</sup> Anniversary of the UNCLOS.
5. **Also Requests** the Secretary-General to explore the possibility of bringing out a comprehensive study on anti-piracy legislations in order to assist the Member States on the subject matter.
6. **Decides** to place this item on the provisional agenda of the Fifty-Second Annual Session.

**HALF-DAY SPECIAL MEETING ON “INTERNATIONAL TERRORISM”**  
*(Deliberated)*

*The Asian-African Legal Consultative Organization at its Fifty-First Session,*

**Having considered** the Secretariat Document No. AALCO/51/ABUJA/2012/S 7;

**Noting** with appreciation the introductory remarks of the Deputy Secretary-General and the views expressed by the Chairperson and the Panelists and the statements of the Member States during the Special Meeting on “International Terrorism” jointly organized by the Government of the Federal Republic of Nigeria and AALCO and held on 21<sup>st</sup> June 2012 at Abuja, Nigeria;

**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 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 and scientific activities 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 obtain national legislation or information on national legislation, as the case may be, on combating terrorism to facilitate exchange of information among Member States.
5. **Requests** the Secretary-General to hold seminars and joint programmes in cooperation with other international organizations, especially United Nations Office on Drugs and Crime, on dealing with the legal aspects of combating terrorism,
- 5bis* Further requests the Secretariat to study the feasibility of an Asian-African legal instrument on mutual legal assistance in criminal matters and subsequently consider drafting an Asian-African Treaty on Mutual Legal Assistance in Criminal Matters draft for Member States further consideration, and
6. **Decides** to place the item on the provisional agenda of its Fifty-Second Annual Session.