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Agenda item 20**CO-OPERATION BETWEEN THE UNITED NATIONS AND THE
ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE****Report of the Secretary-General**

1. The present report on the co-operation between the United Nations and the Asian-African Legal Consultative Committee (AALCC) had been prepared pursuant to paragraph 5 of General Assembly resolution 41/5 of 17 October 1986.
2. The General Assembly, at its thirty-fifth session, accorded permanent observer status to the Asian-African Legal Consultative Committee and invited the Committee to participate in its sessions and work in the capacity of observer. In February 1981, AALCC established a permanent observer mission to the United Nations. On the occasion of the commemoration of the Committee's twenty-fifth anniversary, the Assembly, at its thirty-sixth session, requested the Secretary-General of the United Nations to carry out consultations with the Secretary-General of AALCC with a view to strengthening further and widening the scope of the co-operation between the two organisations. A co-operative framework was subsequently established, which was noted with deep satisfaction by the Assembly at its thirty-seventh session. At its thirty-eighth session, the Assembly requested the Secretary-General of the United Nations to continue to take steps to strengthen the co-operation between the United Nations and AALCC in the field of progressive development and codification of international law and other areas of common interest. The Assembly subsequently commended AALCC for orienting its programme to strengthen its supportive role to the work of the United Nations in wider areas. At its fortieth session, the Assembly took note of the study on the strengthening of the United Nations prepared by AALCC (A/40/726 and Corr.1, annex), as well as the study on the role of the International Court of Justice (A/40/682, annex) and other efforts of AALCC in the continuation of its programme of support to the work of the United Nations. At its forty-first session, the Assembly noted with appreciation the continuing efforts of the Committee towards strengthening the role of the United Nations and its various organs, including the International

Court of Justice, through programmes and initiatives that it has undertaken. The Assembly also noted with satisfaction the commendable progress achieved during the past five years towards enhancing co-operation in wider areas between the two organisations.

3. A new programme of co-operation was drawn up in May 1987, following a series of consultations and meetings between the secretariats of the two organizations. This programme covers the following subjects: co-operative framework; representation at meetings and conferences; Sixth Committee matters; law of the sea matters; question of refugees; efforts towards strengthening the role of the United Nations through rationalisation of functional modalities; illicit traffic in narcotic drugs; international economic co-operation for development and zones of peace and international co-operation.

4. In March 1988, at its Singapore session, AALCC elected Mr. Frank X. Njenga as its Secretary-General.

A. Co-operation framework

5. Consultations have been routinely conducted on matters of common interest between AALCC and the competent organs and offices of the United Nations, regarding in particular representation at meetings and sessions, exchange of documentation and information, and identification of areas where the supportive role of AALCC might be most productive. The purpose of these consultations has been to enable AALCC to orient its work programme and to accord priority to matters that are of current interest to the United Nations. At the same time, AALCC has also undertaken initiatives with a view to strengthening the role of the United Nations. Its activities in these areas include not only its own membership, but all interested States Members of the United Nations. The areas of co-operation have also been enlarged to cover matters in the economic and humanitarian fields in addition to progressive development and codification of international law.

B. Representation at meetings and conferences

6. AALCC was represented at various United Nations meetings and conferences during the period under review, including those of the regular sessions of the General Assembly, the Economic and Social Council, the International Law Commission, the United Nations Commission on International Trade Law (UNCITRAL), the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD), the International Maritime Organisation (IMO), the United Nations Industrial Development Organization (UNIDO), and the International Conference on Drug Abuse and Illicit Trafficking, held at Vienna in June 1987.

7. The twenty-sixth session of AALCC, held at Bangkok in January 1987, was attended by the Chairman of the International Law Commission, officials representing the International Court of Justice, the Office of the United Nations

High Commissioner for Refugees (UNHCR), the Office for Ocean Affairs and the Law of the Sea, the Economic and Social Commission for Asia and the Pacific, IMO and the United Nations Commission on International Trade Law. The twenty-seventh session of AALCC, held at Singapore in March 1988, was attended by Judge Ni Zhangyu of the International Court of Justice, the Chairman of the International Law Commission, officials representing UNCITRAL and UNHCR.

C. Efforts towards strengthening the role of the United Nations through rationalisation of functional modalities

8. As a part of its contribution to the commemoration of the fortieth anniversary of the United Nations, the AALCC secretariat prepared a study on "Strengthening the role of the United Nations through rationalisation of functional modalities with special reference to the General Assembly", which was subsequently circulated as a document of the General Assembly (A/40/726 and Corr.1, annex). A set of recommendations on the improvement of the functioning of the General Assembly was then prepared by a working group of the whole of AALCC in 1986 and was made available to the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations, and was subsequently circulated as a document of the Assembly at its forty-first session (see A/41/437, annex). AALCC continues to follow up the implementation of the relevant resolutions relating to the strengthening of the role of the United Nations through rationalisation of its functional modalities, as well as the progress on various other related proposals.

D. Measures designed to further the work of the Sixth Committee

9. Pursuant to its programme of rendering assistance to its member Governments for active participation in the work of the General Assembly, AALCC has, since 1982, prepared notes and comments on items before the Sixth Committee, including the report of the International Law Commission. In addition, consultations have been arranged from time to time during the General Assembly session between the representatives of member States of AALCC and other interested Governments to provide opportunities for an exchange of views on those matters. During the forty-second session of the Assembly, informal consultations of the AALCC member States were held in New York on 17 September 1987 on those matters. Informal consultations of the AALCC member States have been scheduled for the first week of October to consider those matters during the forty-third session of the Assembly.

10. In November 1983, the Legal Advisers of the member States of AALCC prepared an informal paper on the rationalisation of the work of the Sixth Committee, which was circulated as a document of the General Assembly at its thirty-eighth session (A/C.6/38/8). Informal discussions on this matter have been scheduled by AALCC during the forty-third session of the Assembly.

E. Measures to facilitate the work of the International Law Commission and the United Nations Commission on International Trade Law

11. AALCC has continued to maintain its traditional links with the International Law Commission. It has included in its work programme the question of non-navigational uses of international watercourses and jurisdictional immunities of States - two subjects that are under consideration in the International Law Commission.

12. AALCC held general discussions on the topic of jurisdictional immunities of States and their property at its Kathmandu (1985), Arusha (1986) and Bangkok (1987) sessions. Pursuant to the decision at the Bangkok session, an informal meeting was convened in New York on 4 and 5 November 1987 to exchange views on this topic. The report of the meeting was considered at the Singapore session of AALCC.

13. Collaboration has continued between AALCC and UNCITRAL. The UNCITRAL Model Law on International Commercial Arbitration was recommended for favourable consideration of its member Governments. At the Singapore session, another recommendation was made for the wider acceptance of the United Nations Convention on the Limitation Period in the International Sale of Goods, 1974; the United Nations Convention on Contracts for the International Sale of Goods, 1980; and the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules) - these being the product of UNCITRAL.

F. Measures relating to the law of the sea

14. The law of the sea issues remain in the forefront. The promotion of ratification and implementation of the 1982 United Nations Convention on the Law of the Sea continues to be the preoccupation of the member States of AALCC. At the Arusha session, the AALCC secretariat was requested to prepare model legislation to facilitate the process of ratification and implementation of the Convention. At its Bangkok and Singapore sessions, AALCC discussed the matters relating to the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. A suggestion was made that AALCC should play a complementary role in regard to the work of the Preparatory Commission by encouraging exchange of views and consensus-building among AALCC members on matters likely to be discussed at the meetings of the Preparatory Commission. AALCC would also prepare options on such issues. The AALCC secretariat would prepare studies on implementation problems which may be confronted by developing countries in relation to the 1982 Convention. Further inter-secretariat co-operation is envisaged between AALCC and the Office for Ocean Affairs and the Law of the Sea regarding questions of implementation of the Convention.

G. International economic co-operation for development

15. Since 1980, AALCC has devoted its attention to the question of international economic co-operation for development and to this end it has participated in the sessions and meetings of the Economic and Social Council, UNCTAD, UNCITRAL and UNIDO. Various suggestions have been put forward for consideration by Governments. AALCC has also prepared model bilateral agreements by expert groups for promotion and protection of investments, so as to generate a wider flow of capital and technology to the developing countries of the Asian-African region. Steps are now being taken for promoting wider appreciation of the model agreements among the Governments of the Asian-African region.

16. Another initiative taken by AALCC in this context is the preparation of a legal framework for industrial joint ventures, which is to be undertaken in stages: first by compiling relevant information, then by preparing a legal guide on joint ventures similar to the one prepared by UNCITRAL on drawing up of international contracts for industrial works.

17. AALCC had earlier formulated a scheme for settlement of disputes in economic and commercial transactions, drawing its inspiration from the debates on commercial arbitration in UNCITRAL. Two regional centres for arbitration have been established at Kuala Lumpur and Cairo, one of whose major functions is to help to promote and implement the UNCITRAL arbitration rules. Efforts are being made to establish such regional centres in other locations to promote stability and confidence in economic relations with and between the countries of the region. Negotiations concerning the establishment of a regional arbitration centre in Tehran intended primarily for oil arbitrations are in an advance stage; the Federal Government of Nigeria has also accorded approval for the establishment of a regional arbitration centre at Lagos.

18. At its Arusha session in 1986, AALCC took up, as a priority item, the question of the debt burden of developing countries. Later, an expert group meeting was held in New Delhi in November 1986 which, *inter alia*, recommended the preparation of a study on legal aspects of international loan agreements. Various issues relating to the solution of the debt problem were discussed at its Bangkok and Singapore sessions.

H. Question of refugees

19. AALCC has been actively engaged in the study of refugee law and refugee problems in co-operation with UNHCR. The work of AALCC on these subjects led to the adoption of its Bangkok Principles in 1966 and an addendum thereto in 1970. This pattern of co-operation was reactivated in 1981 following the adoption by the General Assembly of its resolution 36/38 of 18 November 1981. At its Kathmandu and Arusha sessions, AALCC gave detailed consideration to the "principle of burden-sharing". At its 1987 Bangkok session, AALCC further elaborated on an addendum to its Bangkok Principles of 1966. AALCC is also studying the question of State responsibility in regard to refugees.

20. At the Arusha session, AALCC was asked to examine the concept of a safety zone for a displaced person in the country of origin. At the 1987 Bangkok and 1988 Singapore sessions, AALCC held general discussion on this matter. The discussion centred on the legal status of such a safety zone and the circumstances under which a safety zone could be established in the home country of refugees or displaced persons. The AALCC secretariat is presently engaged in preparation of a study elaborating the concept and its legal status in the context of international law relating to refugees.

I. Zone of Peace and international co-operation

21. In 1985 AALCC had taken up for consideration the concept and the legal framework of a zone of peace in the context of a proposal made by Nepal on the basis of a preliminary study prepared by the AALCC secretariat. At the 1987 Bangkok session, a working group was constituted to consider in depth the contents and implications of various proposals on the establishment of peace zones made within and outside the United Nations.

22. In 1987, the AALCC held a preliminary discussion on the elements of a legal instrument on friendly and good neighbourly relations of States in Asia and the Pacific. This topic was then widened to include the geographical scope of the African region as well. At the 1988 Singapore session, it was decided that a substantive report be prepared on the first cluster of principles on the basis of replies to be received from AALCC member Governments and the views expressed at the Singapore session. Such principles are to include: the principle of sovereign equality of States; the non-use of force or threat of force; the peaceful settlement of disputes; respect for territorial integrity and inviolability of frontiers; the principle of promotion of collective security and disarmament and state responsibility.

J. Illicit traffic in narcotic drugs

23. Pursuant to a decision taken at the Kathmandu session in 1985, the AALCC secretariat prepared a study entitled "Ways and means to deal with drug trafficking through the efforts of the United Nations". This study was submitted to the General Assembly on the occasion of the fortieth anniversary of the United Nations. AALCC was represented at the International Conference on Drug Abuse and Illicit Trafficking, held at Vienna in June 1987.

K. Other issues currently before the AALCC

24. At its Singapore session, AALCC included an item on the agenda entitled "Criteria for the distinction between terrorism and the people's struggle for liberation". The AALCC secretariat was requested to prepare a study on the subject, taking into consideration the work of the Sixth Committee of the General Assembly.