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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 is submitted pursuant to paragraph 4 of General Assembly resolution 43/1 of 17 October 1988 and covers co-operative activities of the two organizations during the period under review.

A. Co-operative framework

2. Pursuant to the co-operation programme drawn up in 1987, consultations have been routinely conducted on matters of common interest between the secretariat of the Asian-African Legal Consultative Committee and the competent offices and organs of the United Nations regarding, in particular, representation at meetings and sessions and exchange of documentation and information, as well as the identification of areas where the supportive role of the Consultative Committee might be most productive. Those consultations have assisted the Consultative Committee to orient its work programme, to accord priority to matters that are of current interest to the United Nations, and to initiate activities with a view to strengthening the role of the United Nations. Those activities involved not only its own membership, but also interested States Members of the United Nations from other continents. The areas of co-operation have been enlarged to cover matters in the economic and humanitarian fields in addition to the progressive development and codification of international law.

B. Representation at meetings and conferences

3. The Consultative Committee was represented at various meetings and conferences held under the auspices of the United Nations and its organs during the period under review, which included the regular sessions of the General Assembly,

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, and the Preparatory Committee for the United Nations Conference on Environment and Development. It was also represented at meetings of the International Maritime Organization (IMO), the United Nations Industrial Development Organization (UNIDO), the United Nations Environment Programme (UNEP), and the International Atomic Energy Agency.

4. The Chairman of the International Law Commission and officials representing the Office for Ocean Affairs and the Law of the Sea of the Secretariat, UNCITRAL, the United Nations Conference on Trade and Development (UNCTAD) and the Office of the United Nations High Commissioner for Refugees (UNHCR) attended the twenty-eighth session of the Consultative Committee, held at Nairobi in February 1989.

5. The Chairman of the International Law Commission, the Chairman of the Sixth Committee of the forty-fourth session of the General Assembly, the Registrar of the International Court of Justice, officials representing the United Nations, UNCITRAL and UNHCR attended the twenty-ninth session of the Consultative Committee, held at Beijing in March 1990.

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

6. As a part of its contribution to the commemoration of the fortieth anniversary of the United Nations, the Consultative Committee secretariat prepared in 1985 a study entitled "Strengthening the role of the United Nations through rationalization of functional modalities with special reference to the General Assembly" (A/40/726 and Corr.1, annex). The study presented an overall assessment of the functioning of the United Nations focusing attention on certain specific matters and issues. Subsequently the Consultative Committee prepared a set of recommendations on the improvement of the functioning of the General Assembly (see A/41/437, annex). The Consultative Committee continues to follow up the implementation of the resolutions relating to strengthening of the role of the United Nations through rationalization of its functional modalities as well as the progress on various other related proposals.

7. Pursuant to General Assembly resolution 44/23 of 17 November 1989, in which the Assembly declared the period 1990-1999 as the United Nations Decade of International Law, the Consultative Committee secretariat prepared a reply focusing on the major issues involved and the proposed activities for the decade (see A/45/430, annex II). At its twenty-ninth session, the Consultative Committee urged greater collaboration with the United Nations in this regard.

D. Promoting wider use of the International Court of Justice

8. At the fortieth session of the General Assembly, the Consultative Committee prepared a study on the question of possible wider use of the International Court of Justice through special agreements (see A/40/682, annex). The study focused attention on the advantages to be gained by using the Court or its Special Chamber in preference to using ad hoc arbitral tribunals. The Consultative Committee secretariat continued to conduct consultations with the Registrar of the Court on this subject. In this context, it should be mentioned that the Consultative Committee has submitted a reply in response to the Secretary-General's request for information on the implementation of the Manila Declaration on the Peaceful Settlement of Disputes between States (Assembly resolution 37/10, annex) and on ways and means of increasing the effectiveness of this instrument (see A/45/436).

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

9. Pursuant to its programme of rendering assistance to its member States for active participation in the work of the General Assembly, the Consultative Committee has, since 1982, prepared notes and comments on items before the Sixth Committee, including the report of the International Law Commission. Consultations have also been held from time to time during the General Assembly session between the representatives of member States of the Consultative Committee and other interested Governments to exchange views on matters of mutual interest. The informal consultation of the Consultative Committee's member States has been scheduled for October 1990 to consider some selected matters of immediate concern.

10. The Consultative Committee has continued to maintain its links with the International Law Commission. Its current work programme includes the question of non-navigational uses of international watercourses and jurisdictional immunities of States - two subjects that are under consideration by the Commission. During the forty-fourth session of the General Assembly, the Consultative Committee, in collaboration with the Commission, organized a seminar in New York mainly for consideration of those two topics. The Commission's special rapporteurs in charge of these topics and legal advisers of member States participated in the seminar.

11. Collaboration has continued between the Consultative Committee and UNCITRAL. A regional seminar on international trade law, organized in collaboration with UNCITRAL, was held at New Delhi in October 1989 and the proceedings of that seminar have been published by the Consultative Committee. The UNCITRAL Model Law on International Commercial Arbitration was recommended for favourable consideration of the Consultative Committee's member Governments. The Consultative Committee has also made recommendation 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).

F. Measures for the promotion of ratification and implementation of the United Nations Convention on the Law of the Sea

12. The question of encouraging and facilitating the ratification of the United Nations Convention on the Law of the Sea has been under consideration by the Consultative Committee. Its member States signatories to the Convention have been urged to ratify it in order to allow early implementation of the Convention. The Consultative Committee has also made an appeal to all other States to consider ratifying or acceding to the Convention at the earliest possible date. At its twenty-eighth and twenty-ninth sessions, the Consultative Committee 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 sub-committee on the law of the sea has been reactivated and the Consultative Committee secretariat is preparing a study on joint ventures and other core issues being considered by the Preparatory Commission. The Consultative Committee intends to co-operate with the Office for Ocean Affairs and the Law of the Sea on matters relating to implementation of the law of the sea Convention, particularly in regard to national legislation on marine affairs. A colloquium on joint ventures and other issues took place in New York in August during the session of the Preparatory Commission.

G. International economic co-operation for development

13. Since the eleventh special session of the General Assembly, held in 1980, the Consultative Committee has concentrated on 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 and UNCITRAL. Various suggestions have been put forward for the consideration of member States of the Consultative Committee. The Consultative Committee has prepared model bilateral agreements 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 being taken for promoting wider appreciation of the model agreements among the Governments of the Asian-African region.

14. Another initiative taken by Consultative Committee in this context is the preparation of a legal framework for industrial joint ventures. It has begun to compile relevant information on the subject so as to prepare a legal guide book.

15. The Consultative Committee has formulated a scheme for settlement of disputes in economic and commercial transactions. Three regional centres for arbitration under the scheme have been established at Kuala Lumpur, Cairo and Lagos. One of the objectives of those centres is to help in the promotion and implementation of the UNCITRAL arbitration rules. Negotiations are under way concerning the establishment of another regional arbitration centre at Tehran, intended primarily for oil arbitrations.

16. Following a feasibility study of the Consultative Committee on the creation of a centre for research and development of legal régimes applicable to economic activities in developing countries, which was submitted at

the twenty-ninth session, the Consultative Committee secretariat is currently preparing a further study on how to strengthen its capabilities to collect and disseminate information and data from various United Nations agencies such as UNCTAD, UNIDO, UNCITRAL, the General Agreement on Tariffs and Trade (GATT) and other bodies, including the International Institute for the Unification of Private Law and the Hague Conference on Private International Law.

17. The Consultative Committee has considered the question of debt burden of developing countries since its Kathmandu (twenty-fourth) session in 1985. Pursuant to a decision taken at its Singapore (twenty-seventh) session in 1988, a note entitled "Legal Aspects of International Loan Agreements" was circulated to the entire membership of the Group of 77. At its twenty-ninth session, the Consultative Committee secretariat was authorized to continue to monitor developments in this field, including the difficulties faced by developing countries in negotiating the rescheduling of loans, and to formulate a set of legal principles and guidelines on the subject.

H. Question of refugees

18. In co-operation with UNHCR, the Consultative Committee has, since 1964, been actively engaged in the study of refugee law and refugee problems. Its work 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 following the adoption by the General Assembly of its resolution 36/38 of 18 November 1981, and the Consultative Committee decided at its Tokyo session in 1983 to place again the item of refugees on its agenda. The deliberations at that session paved the way for closer co-operation between the Consultative Committee and UNHCR. At its Kathmandu (twenty-fourth) and Arusha (twenty-fifth) sessions in 1985 and 1986 respectively, the Consultative Committee gave detailed consideration to the "principle of burden-sharing". A consensus was reached at the twenty-fifth session that the concept of burden-sharing had become through the practice of States "a principle of humanitarian refugee law".

19. At its Bangkok (twenty-sixth) session in 1987, the Consultative Committee adopted another addendum to its Bangkok Principles of 1966, which elaborated the concept of burden-sharing. The Consultative Committee also examined the question of state responsibility in regard to refugees. At its twenty-fifth session, in 1986, the Consultative Committee secretariat was asked to examine the concept of safety zone for the displaced person in the country of origin. During its twenty-sixth and twenty-seventh sessions, in 1987 and 1988, the Consultative Committee held general discussions on the legal status of such a safety zone and the circumstances under which a safety zone could be established in the country of origin of refugees or displaced persons. Currently, the Consultative Committee secretariat is re-examining the definition of the term "refugee" and is also preparing a compendium of legal principles and case law on various issues relating to refugees, including the concept of "well founded fear of persecution". At its twenty-ninth session, the Consultative Committee Secretariat was mandated to prepare a study on the rights and duties of refugees as well as on the obligation of States towards refugees. The Consultative Committee secretariat also intends to

organize a seminar in collaboration with UNHCR to promote the adherence to the United Nations conventions relating to refugees.

I. Zones of peace and international co-operation

20. At its twenty-fourth session, the Consultative Committee took up for consideration the concept and the legal framework of a zone of peace. At the twenty-fifth session, it was decided that an expert group would consider the contents and implications of various proposals made within and outside the United Nations regarding the establishment of peace zones. A study on the Indian Ocean as a zone of peace was considered by the member States at the twenty-ninth session and the subject remains on the agenda. The Consultative Committee secretariat was requested to establish close co-operation in this regard with the Ad Hoc Committee on the Indian Ocean.

21. The Consultative Committee has included in its work programme a topic entitled "Elements of a legal instrument on friendly and good-neighbourly relations of States in Asia, Pacific and the African region". At its twenty-ninth session, the Committee had before it a report that examined the relevance of certain principles: sovereign equality of States; the non-use of force or threat of force; peaceful settlement of disputes; respect for territorial integrity and inviolability of frontiers; the promotion of collective security; and disarmament and state responsibility.

J. Illicit traffic in narcotic drugs

22. Pursuant to a decision taken at the twenty-fourth session, the Consultative Committee secretariat prepared a study on the efforts within the United Nations in the field of international control of narcotic drugs and psychotropic substances. This study was submitted to the General Assembly on the occasion of the fortieth anniversary of the United Nations. The Consultative Committee is concerned with the menace of illicit traffic in narcotic drugs and intends to take up this matter actively in the near future.

K. Other issues currently before the Consultative Committee

23. At its Singapore (twenty-seventh) session in 1988, the Consultative Committee included an item on its agenda entitled "Criteria for the distinction between terrorism and the people's struggle for liberation". Subsequently, the subject was discussed at the twenty-eighth and twenty-ninth sessions of the Committee. The Consultative Committee secretariat was requested to work in close co-ordination with the Sixth Committee of the United Nations where a similar item has been under consideration. A report by the Consultative Committee on this subject has been submitted to the General Assembly.

24. At its twenty-seventh session an item "Deportation of Palestinians as a violation of international law, particularly the 1949 Geneva Convention" was

included in the agenda of the session. In its subsequent sessions, the Consultative Committee considered various aspects of the question, including the customary and codified law relating to occupied territories, the duties of the occupying Power and the question of payment of compensation to Palestinians. The Consultative Committee secretariat is preparing a further study on all legal aspects of the matter, including the issue of resettlement in violation of international law, by Israel, of large numbers of former Soviet Jews into Palestine.

25. An item entitled "Transboundary movement of hazardous wastes and their disposal" has been included in the Committee's work programme since 1989. In March 1989, the Consultative Committee was represented at the Conference of Plenipotentiaries on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, convened under the aegis of UNEP. The study prepared by the Consultative Committee secretariat on the Basel Convention was considered by the Legal Advisers of its member States in the course of their meeting held at the United Nations in New York in October 1989.

26. At its twenty-ninth session, the Consultative Committee directed the secretariat to undertake a study on co-operation between the Asian-African countries to ban the dumping of toxic and other wastes into their countries and to co-operate in the formulation of regional or sub-regional conventions banning the dumping of toxic and other wastes. The Consultative Committee secretariat continues to be actively associated with UNEP, IMO and other organizations involved in this subject. The Consultative Committee is also involved in the work of the Preparatory Committee for the United Nations Conference on Environment and Development.
