

ASIAN-AFRICAN
LEGAL CONSULTATIVE COMMITTEE



REPORT OF THE TWENTIETH,
TWENTY-FIRST AND TWENTY-SECOND
SESSIONS HELD IN SEOUL (1979),
JAKARTA (1980) AND COLOMBO (1981)

Prepared & Published by
THE SECRETARIAT OF THE AALCC,
27 Ring Road, Lajpat Nagar-IV,
New Delhi-110 024 (India)

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I. INTRODUCTION

The Asian-African Legal Consultative Committee (AALCC), established in 1956, serves as a forum for consultation and co-operation amongst its Member States in the field of international law and economic relations, especially in matters under consideration of the United Nations, its various organs and agencies. The AALCC now has thirty-nine participating States, including two Associate Members, from Asia and Africa. A large number of other States from all parts of the world attend the AALCC's annual sessions and special meetings as observers. The AALCC maintains official relations with the United Nations and other major international organisations. Since 1980, the AALCC enjoys Permanent Observer status with the United Nations.

Historical perspective

With over one hundred States regaining their independence in the two decades following the Second World War and the establishment of the United Nations, these countries in the Asian-African region began to play an important role in international affairs, in an effort to redress the imbalances which had taken firm root during successive centuries of colonial rule. This could only be achieved through a collective effort in which the newly independent States co-operated closely and acted together in the pursuit of this goal. The first effective step towards such fruitful co-operation among the Asian-African States was the convening of the Bandung Conference in 1955 which led to the evolution of the five principles of peaceful co-existence which were to govern their relations with their neighbours. The success of the Bandung Conference inspired the countries of the region to take effective measures for regional co-operation in various fields of activity including the progressive development and codification of international law. Much had to be done in this field especially in view of the fact that traditional international law

was primarily a product of the colonial powers of Western Europe of the sixteenth, seventeenth and eighteenth centuries. These norms and principles, in the creation of which over a hundred newly independent States of Asia and Africa and Latin America had no say, whatsoever, had to be examined, reviewed and reformulated to meet the requirements of the social, economic and political framework of the second half of the twentieth century. It was against this backdrop that in November 1956, following the recommendations of the meeting of the Heads of Delegations of Asian-African countries held in Bandung, seven Asian States (Burma, Ceylon, India, Indonesia, Iraq, Japan and Syria) took the initiative of forming a Consultative Committee, to be known as the Asian Legal Consultative Committee, to assist the governments of the region in formulating a common approach and a common policy towards the progressive development and codification of international law which had been undertaken by the various agencies of the United Nations.

The Asian Legal Consultative Committee held its first session in New Delhi in 1957. The then Prime Minister of India, Pandit Jawahar Lal Nehru, in the course of his inaugural address expressed his sentiments for the future functioning of this body as an effective forum for regional co-operation and suggested that its membership should embrace participation of not only Asian States, but African States as well. The suggestion of the Indian Prime Minister was accepted and as from 19 April 1958 the Statute of the Committee was amended and it was renamed as the "Asian-African Legal Consultative Committee." Since then, the membership of the AALCC has continued to increase and at present thirty-nine Asian and African Governments participate in the work of the AALCC. They are as under :

Full Members : Arab Republic of Egypt, Bangladesh, Cyprus, Gambia, Ghana, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Democratic People's Republic of Korea, Republic of Korea, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mongolia, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Senegal, Sierra Leone, Singapore,

Somali Democratic Republic, Sri Lanka, Syria, Tanzania, Thailand, Turkey, Uganda, United Arab Emirates and Yemen Arab Republic.

Associate Members : Botswana and Saudi Arabia.

Functions

The functions of the AALCC and the scope of work of its Secretariat are governed by Article 3 of the AALCC's Statutes and directions given by the AALCC from time to time at its various sessions. In the light of this, the work of the AALCC and its Secretariat broadly falls under the following heads :

- (a) Consideration of specific legal problems referred by any member government;
- (b) Examination of matters which are before the International Law Commission and other U.N. agencies in the fields of international law and trade law, such as UNEP, UNCITRAL and UNCTAD with a view to making recommendations thereon to assist member governments.
- (c) Preparation of background material and arranging exchange of views on matters of common interest and on important questions which are to come up before diplomatic conferences;
- (d) Collection of material and rendering of advice on a confidential basis by the Secretariat on any question of interest to a member government upon request;
- (e) Undertaking of publications on matters of common interest which may be authorised by the AALCC.
- (f) Preparation of standard/model contracts suited to the needs of the region and promotion of their use as widely as possible.

- (g) Promotion of the institution of arbitration as an effective means for the settlement of international commercial disputes and to establish regional centres of commercial arbitration in the various parts of the Asian-African region towards that end.
- (h) Training of officers of member governments in the technique of research and handling of international legal questions.

Sessions of the AALCC

The AALCC holds its regular sessions annually by rotation in the various member countries. The Sub-Committees and Working Groups appointed by the AALCC also meet during the inter-sessional periods when necessary. The AALCC has so far met in twenty-two sessions. The first session was held in New Delhi (1957), second in Cairo (1958), third in Colombo (1960), fourth in Tokyo (1961), fifth in Rangoon (1962), sixth in Cairo (1964), seventh in Baghdad (1965), eighth in Bangkok (1966), ninth in New Delhi (1967), tenth in Karachi (1969), eleventh in Accra (1970), twelfth in Colombo (1971), thirteenth in Lagos (1972), fourteenth in New Delhi (1973), fifteenth in Tokyo (1974), sixteenth in Teheran (1975), seventeenth in Kuala Lumpur (1976), eighteenth in Baghdad (1977), nineteenth in Doha (State of Qatar) (1978), twentieth in Seoul (1979), twenty-first in Jakarta (1980) and twenty-second in Colombo (1981). At the sessions member countries are represented by high level delegations which have included Chief Justices, Cabinet Ministers, Attorneys-General, Judges and senior officials of the Ministries of Foreign Affairs and of Law & Justice. A large number of non-member Asian and African countries, countries from outside the Asian-African region as well as inter-governmental organisations are usually represented by their legal experts in the capacity of observers at the AALCC sessions.

Office bearers of the AALCC and its Secretariat

During the twentieth session held in Seoul from 19th to 26th February 1979, the AALCC elected H.E. Dr. Pyong-Choon Hahm, Special Assistant to the President of the

Republic of Korea for Foreign Affairs and Mr. Frank X. Njenga, Under Secretary, Legal Division, Ministry of Foreign Affairs, Government of Kenya, respectively, as the President and Vice-President of the AALCC for the year 1979-80.

During the twenty-first session held in Jakarta from 24th April to 1st May 1980, the AALCC elected H.E. Mr. Mudjono, Minister of Justice of Indonesia and Hon'ble Chief R.O.A. Akinjide, Minister of Justice of Nigeria, respectively as the President and Vice-President of the AALCC for the year 1980-81.

During the twenty-second session held in Colombo from 25th to 30th May 1981, the AALCC elected Hon'ble N.D.M. Samarakoon Q.C., Chief Justice of Sri Lanka and Mr. Yusuf Elmi Robleh, Chief State Counsel of the Somali Democratic Republic, respectively as the President and Vice-President of the AALCC for the year 1981-82.

The Secretariat is headed by Mr. B. Sen, Secretary-General, which is an elective post. The Deputy Secretary-General and Assistant Secretaries-General are the other principal officers who are assisted by administrative and technical personnel. Each member State accredits a Liaison Officer to the Secretariat and all decisions on policy matters are taken by the Secretary-General in consultation with the Liaison Officers.

Relationship with other organisations

As early as 1960 the AALCC had entered into official relations with the International Law Commission which maintains such links only with two other regional organisations, namely the European Committee on Legal Co-operation and the Inter-American Juridical Committee. The AALCC also maintains official relationship with the various United Nations organisations and agencies, such as the United Nations Secretariat, UNCTAD, UNCITRAL, ECA, ECE, ESCAP, UNEP, IMO, FAO and UNHCR. At its thirty-fifth session, the United Nations General Assembly decided to accord Permanent Observer status to the AALCC in view of the importance of its