

ASIAN-AFRICAN
LEGAL
CONSULTATIVE COMMITTEE

REPORT
OF THE
SEVENTH SESSION
BAGHDAD
1965

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THE RECOGNITION AND ENFORCEMENT OF
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AND RECORDING OF EVIDENCE, BOTH IN CIVIL
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INTRODUCTORY NOTE

ESTABLISHMENT AND FUNCTIONS OF THE COMMITTEE

The Asian Legal Consultative Committee, as it was originally called was constituted by the governments of Burma, Ceylon, India, Indonesia, Iraq, Japan and Syria as from the 15th of November 1956, to serve as an Advisory Body of Legal Experts, to deal with problems that may be referred to it, and to help in the exchange of views and information on matters of common concern between the participating countries. In response to a suggestion made by the late Prime Minister of India, which was accepted by all the participating countries in the Asian Legal Consultative Committee, the Statutes of the Committee were amended with effect from the 19th April 1958, so as to include participation of countries in the African continent. Consequent upon this change in the Statutes, the name of the Committee was altered, and it was renamed as the Asian-African Legal Consultative Committee. Membership of the Committee is open to the countries in the Asian and African continents in accordance with the provisions of its Statutes.

The United Arab Republic upon its formation by the merger of Egypt and Syria became an original participating country in the Committee in the place of Syria. Sudan was admitted to the Committee with effect from the 1st of October, 1958, Pakistan from the 1st of January, 1959, Morocco from the 24th of February, 1961, Thailand from the 6th of December 1961, and Ghana from the 28th of October, 1963.

The Committee is governed in all matters by its Statutes and the Statutory Rules. Its functions as set out in Article 3 of the Statutes are:

- (a) Examination of questions that are under consideration by the International Law Commission, and to arrange for the views of the Committee to be placed before the said Commission; to consider the reports of the Commission and to make recommendations thereon to the governments of the participating countries;

- (b) Consideration of legal problems that may be referred to the Committee by any of the participating countries and to make such recommendations to governments as may be thought fit;
- (c) Exchange of views and information on legal matters of common concern; and
- (d) To communicate with the consent of the governments of the participating countries, the points of view of the Committee on international legal problems referred to it, to the United Nations, other institutions and international organisations.

The Committee normally meets once annually by rotation in the countries participating in the Committee. Its first Session was held in New Delhi, the second in Cairo, the third in Colombo, the fourth in Tokyo, the fifth in Rangoon, the sixth in Cairo, and the seventh in Baghdad. The Committee has a permanent secretariat in New Delhi for the conduct of day to day work. A section of the Secretariat is charged with the collection of material and preparation of background papers for assisting the Committee in its deliberations during the sessions. The Committee functions in all matters through its Secretary who acts in consultation with the Liaison Officers appointed by each of the participating countries.

OFFICE BEARERS OF THE COMMITTEE AND ITS SECRETARIAT

The Committee during its First Session elected the Member for Burma, the Hon'ble Chief Justice U Myint Thein, and the Member for Indonesia, the Hon'ble Chief Justice Dr. Wirjono Prodjodikoro as President and Vice-President respectively, of the Committee for the year 1957-58. During the Second Session, the Committee elected the Member for the United Arab Republic, H.E. Mr. Abdel Aziz Mohamed, President of the Cour de Cassation, as President, and the Member for Ceylon, the Hon'ble Chief Justice Mr. H.H. Basnayake as Vice-President of the Committee for the year 1958-59. At its Third Session, the Member for Ceylon, the Hon'ble Chief Justice Mr. H.H. Basnayake was elected as President and Chaudhuri Nazir Ahmed Khan, Attorney

General of Pakistan, was elected as Vice-President of the Committee. At its Fourth Session, the Member for Japan, Dr. Kenzo Takayanagi, President, Cabinet Commission on Constitutional Reforms, was elected as President and the Hon'ble Dr. Wirjono Prodjodikoro, Chief Justice of the Republic of Indonesia, as Vice-President of the Committee. At its Fifth Session, the Member for India the Hon'ble Mr. M.C. Setalvad, Attorney General of India, was elected as President and the Hon'ble Mr. A.T.M. Mustafa, Minister for Law of the Government of East Pakistan, was elected as Vice-President of the Committee. At the Sixth Session of the Committee, the Committee elected the Member for U.A.R. Mr. Hafez Sabek, Ex-President of the Cour de Cassation, as President, and the Member for Ghana, Mr. J.K. Abensetts, Solicitor-General of Ghana, as Vice-President of the Committee. At the Seventh Session of the Committee, the Committee elected the Hon'ble Mr. Justice Shakir Al-Ani, Member for Iraq as President, and the Hon'ble Mr. Justice T.S. Fernando, Member for Ceylon, as Vice-President.

The Committee at its First Session decided to locate its Permanent Secretariat at New Delhi (India). The Committee also decided during its First, Second, Fourth, Sixth and Seventh Session that Mr. B. Sen, Hon. Legal Adviser to the Ministry of External Affairs, Government of India, should perform the functions of the Secretary to the Committee.

CO-OPERATION WITH OTHER ORGANISATIONS

The Committee maintains close contacts with and receives published documents from the United Nations, the Specialised Agencies, the International Law Commission, the Organisation of American States, the Arab League and the International Institute for Unification of Private Law. The Committee is empowered under its Statutory Rules to admit to its sessions Observers from international and regional inter-governmental organisations. The International Law Commission was represented at the Committee's Fourth, Fifth, Sixth and Seventh Sessions by Dr. F.V. Garcia-Amador, Dr. Radhabinod Pal, Mr. Eduardo Jimenez De Arechaga, and Prof. Roberto Ago respectively. The Secretary-General of the United Nations was represented at the Committee's Fifth Session by Mr. Oscar Schachter of the U.N. Secretariat, at the Sixth

Session by Mr. Luis Moreno Verdin, Director of the U.N. Information Centre, Cairo, and at the Seventh Session by Mr. Dik Lehmkuhl, Director, U.N. Information Centre, Baghdad. At the Sixth Session, the Organisation of American States was also represented by Dr. F.V. Garcia-Amador in the capacity of Observer. At the Sixth and Seventh Sessions, the U.N. High Commissioner for Refugees was represented by the U.N. Deputy High Commissioner for Refugees, H.H. Prince Sadruddin Aga Khan. The Arab League also sent representatives to the Committee's Second, Fifth and Sixth and Seventh Sessions. The Committee sends Observers to the sessions of the International Law Commission in response to a standing invitation extended to it by the Commission. The Committee also sends observers to international conferences convened by the United Nations to discuss legal problems. At the Sixth Session, the Committee decided to extend standing invitations to the Legal Counsel of the United Nations, the International Law Commission, the League of Arab States, the Organisation of African Unity and the Organisation of American States to be represented by Observers at future sessions of the Committee. The Secretary has the discretion to invite any agency of the United Nations to attend the sessions of the Committee. The Committee has also decided to enter into consultative arrangements with the Hague Conference on Private International Law.

THE SESSIONS OF THE COMMITTEE

First Session: During the First Session held in New Delhi, the Committee discussed and drew up reports for submission to the governments of the participating countries on three subjects, viz., "Diplomatic Immunities," "Principles of Extradition," and "Immunity of States." The subjects were, however, carried forward for further consideration at the next session.

Second Session: During the Second Session held in Cairo, the Committee had before it five main subjects for consideration, viz., "Diplomatic Immunities," "Principles of Extradition," "Immunity of States in respect of Commercial Transactions," "Dual Nationality" and "the Status of Aliens." It also discussed briefly the questions relating to "Free Legal Aid" and "Reciprocal Enforcement of Foreign Judgments in Matrimonial Matters." The

Committee also considered, generally, the Reports of the 9th and 10th Sessions of the International Law Commission.

The Committee finalised its Reports on "Diplomatic Immunities" and on "Immunity of States in respect of Commercial Transactions." These Reports were submitted to the Governments of the participating countries. Final conclusions were not reached on the other subjects discussed at this Session.

Third Session: The Committee at its Third Session held in Colombo considered the comments of the governments on its Reports on "Functions, Privileges and Immunities of Diplomatic Envoys", and "Immunity of States in respect of Commercial Transactions", which the Committee had finalised during its Second Session in Cairo. The Committee re-affirmed the view it had taken in its Report with regard to restrictions on the Immunity of States in respect of Commercial Transactions. It, however, made certain changes in its Report on Diplomatic Immunities in the light of the comments received from the governments of the participating countries. This Report was later placed before the U.N. Conference of Plenipotentiaries on Diplomatic Relations.

The Committee gave detailed consideration to the subjects of the "Status of Aliens" and "Extradition," and was able to draw up provisionally the principles governing these subjects in the form of Draft Articles. The Provisional Recommendations of the Committee on these two subjects were submitted to the governments of the participating countries for their comments.

The Committee also generally considered questions relating to "Dual Nationality" and the recommendations of the International Law Commission on Arbitral Procedure. The Committee decided to take up, at its next session, the question of "the Legality of Nuclear Tests" and the legal aspects of certain economic matters, namely "Conflict of Laws in respect of International Sales and Purchases" and "Relief against Double Taxation."

Fourth Session: The Fourth Session of the Committee was held in Tokyo from 15th to 28th February, 1961. The Committee at this Session discussed in detail the subjects of "Extradition" and "the Status of Aliens" on the basis of the Draft Articles as

provisionally drawn up by the Committee at its Third Session. The Committee revised the drafts on the subjects in the light of the comments made by the Delegations present at the session and adopted Final Reports for submission to the governments of the participating countries. The subject relating to "Diplomatic Protection of Citizens Abroad" and "State Responsibility for Maltreatment of Aliens" was also generally considered by the Committee. The Committee gave special attention to the question of "the Legality of Nuclear Tests." The Delegates made statements indicating the scope of the subject under consideration by this Committee and the basic principles on which further material needed to be collected. After a general discussion the Committee unanimously decided that the consideration of this subject was a matter of utmost urgency and should, therefore, be placed as the first item on the agenda of the Fifth Session.

The Committee also considered the subjects relating to "Free Legal Aid" and "Recognition of Foreign Decrees in Matrimonial Matters." It decided to publish the Reports of the Rapporteur on both these subjects so that they could be presented to the governments of the participating countries.

Fifth Session: The Fifth Session of the Committee was held in Rangoon from 17th to 30th January, 1962. The Committee at this session discussed in detail the subjects of "Dual Nationality" and "the Legality of Nuclear Tests." The Committee drew up a set of Draft Articles embodying the principles relating to elimination or reduction of dual or multiple nationality. It was decided that the Draft Articles should be submitted to the governments of the participating countries for comments and that the subject should be placed before the next session of the Committee for fuller consideration in the light of the comments received from the governments.

The Committee discussed the subject of "the Legality of Nuclear Tests" on the basis of the materials on the scientific and legal aspects of nuclear tests collected by the Secretariat of the Committee. The Committee heard the views and expressions of opinion on the various aspects of the subject from the Delegates present at the Session, and took note of the written memoranda

presented by some of the Governments. On the basis of these discussions, the Secretary of the Committee drew up a Draft Report for the consideration of the Committee. After a general discussion, the Committee decided that the Secretariat should submit the Draft Report to the Governments of the participating countries for their comments, and that the subject should be placed before the next session of the Committee as a priority item on the agenda.

The Committee also considered the subject of Arbitral Procedure and the Report of the Secretariat on the work done by the International Law Commission at its Thirteenth Session. The Committee decided that a report should be drawn up on Arbitral Procedure incorporating the views expressed by the various Delegations.

Sixth Session: The Sixth Session of the Committee was held in Cairo from 24th February to 6th March, 1964.

At this Session, the Committee finalised its recommendations on the subjects of "Dual Nationality" and "the Legality of Nuclear Tests." It also discussed the subjects of "the Rights of Refugees" and the "U.N. Charter from the Asian-African Viewpoint," which were referred to the Committee by the Government of the U.A.R. The questions relating to "the Reciprocal Enforcement of Judgments, the Service of Process and the Recording of Evidence in Civil and Criminal Cases," referred by the Government of Ceylon, were considered by a Sub-Committee appointed at the Session.

The subject of "Dual Nationality" was discussed at this Session on the basis of the Preliminary Report adopted at the Fifth Session and the comments received thereon from the delegates. The Committee drew up and adopted its Final Report containing Model Rules embodying "Principles relating to Elimination or Reduction of Dual or Multiple Nationality" which it decided to submit to the governments of the participating countries.

The question of "the Legality of Nuclear Tests," which had been under consideration by the Committee since the Fourth

Session, was finalised at this Session taking into account the Draft Report presented by the Secretary at the Fifth Session and the comments and memoranda received from the member governments thereon. The Committee was able to adopt its conclusions on the subject unanimously.

The Committee considered certain questions relating to the recently concluded Vienna Conventions viz., the Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, and the Vienna Convention on Nuclear Damage of 1963. The Committee also took note of the Report on the work done by the International Law Commission at its Fifteenth Session.

Seventh Session of the Committee

The Seventh Session of the Committee was held in Baghdad from 23rd March to 1st April 1965. At this Session, the Committee finalised its recommendations on the topic "Reciprocal Enforcement of Judgments, the Service of Process and the Recording of Evidence in both Civil and Criminal Cases," and considered in detail the topics "the Rights of Refugees" and "the U.N. Charter from the Asian-African Viewpoint". It also took up for preliminary consideration the topics "the Law of Outer Space" and "the Codification of Principles of Peaceful Co-existence", both referred to it by the Government of India. The topics "Double Taxation" and "Diplomatic Protection and State Responsibility" were also given consideration by Sub-Committees appointed at this Session.

The topic "Reciprocal Enforcement of Judgments" was considered at this Session on the basis of the Report prepared by a Sub-Committee at the Sixth Session. The Report contained two draft agreements, one on reciprocal enforcement of judgments, and the other on service of process and the recording of evidence. On a general discussion, it was agreed that the Committee would consider the provisions of the draft articles as model rules on the subject, and after detailed consideration of the various articles, the Committee finalised its recommendations on this subject.

"The Rights of Refugees" was the principal subject discussed at this session. The Secretariat of the Committee had presented

a working paper and a Basis of Discussion containing certain principles in the form of Draft Articles to facilitate discussion. The U.N. Deputy High Commissioner, H.H. Prince Sadruddin Aga Khan, and Dr. E. Jahn, Legal Adviser to the U.N. High Commission took part in the deliberations of the Committee. At the conclusion of the discussion it was decided that the Committee was not to draft a new convention, but should formulate general principles on the subject and that in the light of those principles the Committee should examine the text of the 1951 U.N. Convention in order to consider whether it was necessary to suggest any amendment to that Convention, particularly as the situation had greatly changed since the year 1951 when that convention was drawn up and in view of the fact that the Convention itself contemplated changes being made in its provisions.

The Committee discussed in detail the principles concerning the treatment of refugees and an Interim Report containing eleven articles incorporating the principles agreed upon was adopted.

The topic of "the U.N. Charter from the Asian-African Viewpoint" was considered at this session on the basis of a working paper prepared by the Secretariat and a memorandum presented by the U.A.R. Government. After a general debate, the Committee decided to postpone, until a more propitious time, to be decided in consultation with member governments, the question concerning the revision of the Charter. On the proposal of the U.A.R. delegation, a resolution was adopted in which the Committee expressed its full confidence in the United Nations, and appealed to all Member States to faithfully live up to their obligations under the Charter.

The topics "Law of Outer Space" and "Codification of the Principles of Peaceful Co-existence" were given preliminary consideration at this Session. After general observations made by the Delegates, the Committee decided that the Secretariat be directed to prepare detailed studies on these topics for consideration of the Committee at its next session. It was also decided to request the governments of the participating countries to send their views and observations on these topics to the Secretariat of the Committee for inclusion in the Briefs for the next session.

The Committee took note of the Report, on the work done by the International Law Commission at its Sixteenth Session, submitted to it by Mr. Hafez Sabek, who had represented the Committee as an Observer at that Session. The Committee took up for consideration the subject of "the Law of Treaties" as a matter arising out of the work done by the Commission at that Session. As the Committee did not have sufficient time to give adequate consideration to the 73 Draft Articles drawn up by the International Law Commission, it decided to appoint a Special Rapporteur to prepare a report on the subject to assist the Committee in its study of the subject at the next Session.

Work done by the Committee

The subjects which the Committee has been able to finalise so far are "Diplomatic Immunities and Privileges", "Immunity of States with regard to Commercial Transactions", "Legal Aid", "Reciprocal Enforcement of Judgments in Matrimonial Matters", "Extradition", "Status of Aliens", "Dual Nationality", "Legality of Nuclear Tests" and "the Reciprocal Enforcement of Judgments, Service of Process and Recording of Evidence in Civil and Criminal Cases".

The Committee has also made considerable progress on "Diplomatic Protection and State Responsibility", "Double Taxation", "Laws relating to International Sales and Purchases", "the Rights of Refugees", "the U.N. Charter from the Asian-African Viewpoint", "the Law of Outer Space", "Codification of Principles of Peaceful Co-existence" and "the Law of Treaties". The Committee has also before it for consideration several of the other subjects including "the Law of the Territorial Sea", "Accessions to General Multilateral Conventions concluded under the auspices of the League of Nations," and "State Succession". The Committee has completed its compilation of Volume I of its proposed publication "A Digest of Asian and African Constitutions". This is shortly to go to Press. It has also made progress on its proposed digest of important decisions of the municipal courts of Asian and African countries on international legal questions. The Committee has completed and will soon bring out, in mimeographed form, its studies on International Economic Law.

DELEGATES OF THE PARTICIPATING COUNTRIES, OBSERVERS AND CONFERENCE ORGANIZATION

BURMA

NOT REPRESENTED

CEYLON

Member and Leader of the
Delegation

Hon. T.S. Fernando,
Judge, Supreme Court of Ceylon.

Adviser

Mr. Y. Duraiswamy,
Charge d'Affaires of Ceylon.

Adviser

Mr. H.L. de Silva,
Crown Counsel.

Adviser

Mr. W.S.L. de Alwis,
Asst. High Commissioner
for Ceylon in Madras.

GHANA

Member and Leader of the
Delegation

Mr. J.K. Abensetts,
Solicitor-General.

Alternate Member

Mr. Osei Tutu,
Director, Legal and Consular
Department, Ministry of
Foreign Affairs, Accra.

Adviser

Mr. K. Gyeke-Dako,
Senior State Attorney,
Ministry of Justice, Accra.

INDIA

Member and Leader of the
Delegation

Mr. C.K. Daphtary,
Attorney-General of India.

Alternate Member and
Deputy Leader

Mr. B.N. Lokur,
Secretary to the Government
of India,
Ministry of Law.

Adviser

Mr. G.A. Shah,
Joint Secretary,
Ministry of Law.

- Adviser Dr. K. Krishna Rao,
Director (L & T),
Ministry of External Affairs.
- Adviser Mr. S.R. Krishnaswamy,
First Secretary,
Embassy of India, Baghdad.

INDONESIA

NOT REPRESENTED

IRAQ

- Member and Leader of the
Delegation Mr. Shakir Al-Ani,
Judge, Court of Cassation.
- Alternate Member Dr. Hasan Zakariya,
Advocate.
- Adviser Mr. Dhia Sheet Khattab,
Judge, Court of Cassation.
- Adviser Mr. Shakir Nasir Haider,
Professor,
Faculty of Law,
University of Baghdad.
- Adviser Dr. Hassan Al-Chalabi,
Faculty of Law,
University of Baghdad.
- Adviser Dr. Hassan Al-Haddawi,
Faculty of Law,
University of Baghdad.
- Adviser Dr. Nouri Al-Kadhim,
Director of International
Conference Office,
Ministry of Foreign Affairs.

JAPAN

- Member and Leader of the
Delegation Dr. Kenzo Takayanagi,
President of the Cabinet
Commission on Constitution,
Government of Japan.

- Alternate Member Dr. Kumao Nishimura,
Member of the Atomic Energy
Commission.
- Adviser Mr. Chusei Yamada,
Second Secretary,
Embassy of Japan,
New Delhi.
- Adviser Mr. Akira Watanabe,
Third Secretary,
Embassy of Japan,
Baghdad.

PAKISTAN

- Member and Leader of the
Delegation Mr. A.T.M. Mustafa,
Barrister-at-Law.
- Alternate Member (Leader of
Delegation up to 27-3-65) Mr. M.B. Zaman,
Advocate.
- Adviser Mr. Imam Hussain,
Secretary,
Embassy of Pakistan,
Baghdad.

THAILAND

NOT REPRESENTED

UNITED ARAB REPUBLIC

- Member and Leader of the
Delegation Mr. Mohammed Fouad Gaber,
President of the Court of
Cassation.
- Alternate Member and
Deputy Leader Dr. Gaber Gaad Abdel Rahman,
Dean, Faculty of Law,
Cairo University.
- Adviser Dr. Hamed Sultan,
Professor, Faculty of Law,
Cairo University.
- Adviser Dr. Mohamed Hafez Ghanem,
Professor, Faculty of Law,
Ein Shams University.

SPECIAL INVITEE OF THE COMMITTEE—Under Rule 7(5) Mr. Hafez Sabeq,
Legal Adviser, Ministry of Justice, Iraq; and Ex-President of the Court of Cassation, U.A.R.

SECRETARY TO THE COMMITTEE Mr. B. Sen,
Senior Advocate of the Supreme Court of India and Hon. Legal Adviser, Ministry of External Affairs, Government of India.

OBSERVERS

CAMEROONS Mr. Langoul Eloi,
Judge, Supreme Court of the Cameroons.

MALAYSIA Mr. Abdul Kadir bin Yousuf,
Attorney General.

Mr. Salah bin Abbas,
Sen. Federal Counsel.

TANZANIA Mr. Felician Mahatane,
State Attorney,
Attorney General's Department.

ARAB LEAGUE Mr. Sharaf El Din Abdalla,
Legal Department.

INTERNATIONAL LAW COMMISSION Prof. Roberto Ago,
Chairman,
International Law Commission.

UNITED NATIONS Mr. Dik Lehmkuhl,
Director,
United Nations Information Centre, Baghdad.

UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER

H.H. Prince Sadruddin Aga Khan,
U.N. Deputy High Commissioner for Refugees.

Dr. E. Jahn,
Chief of UNHCR Legal Section.

Mr. Omar Sharaf,
Deputy Representative of UNHCR

CONFERENCE ORGANISATION

Head of Organisation Mr. S. Mudhallal

Conference and Credentials Officer Dr. Nouri Al-Kadhim,
Director,
International Conferences Division,
Ministry of Foreign Affairs.

LIAISON OFFICERS OF THE PARTICIPATING COUNTRIES
ON THE COMMITTEE

BURMA	U Ba Maung, First Secretary, Embassy of Burma, New Delhi.
CEYLON	Mr. I.B. Fonseka, Counsellor, Ceylon High Commission, New Delhi.
GHANA	Mr. Jacob Charles Bonney, Counsellor Ghana High Commission, New Delhi.
INDIA	Dr. K. Krishna Rao, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India, New Delhi.
INDONESIA	Mr. Imam Abikusno, Counsellor, Embassy of Indonesia, New Delhi.
IRAQ	Mr. Ahmad Al-Farisi, Counsellor, Embassy of Iraq, New Delhi.
JAPAN	Mr. Kiyoshi Sumiya, Counsellor, Embassy of Japan, New Delhi.

PAKISTAN

Mr. Afzal Iqbal,
Deputy High Commissioner,
Pakistan High Commission,
New Delhi.

THAILAND

Dr. Suchati Chuthasmit,
First Secretary,
Embassy of Thailand,
New Delhi.

UNITED ARAB
REPUBLIC

Mr. Hussein El-Attar,
Second Secretary,
Embassy of U.A.R.,
New Delhi.

AGENDA OF THE SESSION

I. ADMINISTRATIVE AND ORGANISATIONAL MATTERS

1. Adoption of the Agenda.
2. Election of the President and Vice-President of the Session.
3. Admission of Observers to the Session.
4. Consideration of the Secretary's Report.
5. Consideration of the Committee's programme of work for 1965-66.
6. Question of extending the term of the Committee after November 1966.
7. Date and place of the Eighth Session.

II. MATTERS ARISING OUT OF THE WORK DONE BY THE INTERNATIONAL LAW COMMISSION UNDER ARTICLE 3 (a) OF THE STATUTES

1. Consideration of the Report on the work done by the International Law Commission at its Sixteenth Session.
2. Law of Treaties.

III. MATTERS REFERRED TO THE COMMITTEE BY THE GOVERNMENTS OF THE PARTICIPATING COUNTRIES UNDER ARTICLE 3 (b) OF THE STATUTES

1. Status of Aliens (Referred by the Government of Japan):—
 - (a) Diplomatic Protection of Aliens by their Home States; and
 - (b) Responsibility of States arising out of Mal-treatment of Aliens.
2. The Rights of Refugees (Referred by the Government of the U.A.R.).
3. United Nations Charter from the View of Asian-African Countries, (Referred by the Government of the U.A.R.).

4. Law of the Territorial Sea (Referred by the Governments of Ceylon and U.A.R.).
5. Enforcement of Judgments, the Service of Process and Recording of Evidence among States both in Civil and Criminal Cases (Referred by the Government of Ceylon).
6. Law of Outer Space (Referred by the Government of India).
7. Codification of the Principles of Peaceful Co-existence. (Referred by the Government of India).

IV. MATTERS OF COMMON CONCERN TAKEN UP BY THE COMMITTEE UNDER ARTICLE 3 (c) OF THE STATUTES

1. Relief Against Double Taxation. (Referred by the Government of India).

THE RIGHTS OF REFUGEES

THE RIGHTS OF REFUGEES

Introductory Note

The subject of "The Rights of Refugees" was referred to this Committee by the Government of the United Arab Republic under Article 3(b) of the Statutes. In its memorandum on the subject, the U.A.R. Government, whilst indicating the legal issues for consideration of the Committee, had stated that apart from humanitarian considerations, the status and rights of refugees raised several issues of mutual interest to the member countries of the Committee and that the Committee's views would be valuable in an understanding of the refugee problem.

At the Sixth Session of the Committee, the subject was taken up for consideration on the basis of a preliminary note prepared by the Secretariat. The Committee was also furnished with a memorandum by the Office of the U.N. High Commissioner for Refugees. The U.N. Deputy High Commissioner for Refugees, who attended the Session in the capacity of an Observer on behalf of the UNHCR, also addressed the Committee.

The Committee after a general discussion on the subject decided to direct the Secretariat to collect further material on the subject, particularly on the issues relating to compensation, the minimum standard of treatment of a refugee in the State of asylum, and the constitution of international tribunals for determination of compensation which could be claimed by a refugee.

The Secretariat accordingly approached the member governments and certain institutions concerned with the subject requesting for information on the above-mentioned issues. In response, some material was received from the Governments of Iraq and Japan whilst the Government of Burma stated that they had no comments to offer and the Government of Ceylon intimated that there were no provisions in their laws regarding refugees.

At the Seventh Session held in Baghdad, the Committee considered the subject on the basis of a revised memoranda prepared by the Secretariat. After giving detailed consideration

to the subject, the Committee adopted an Interim Report and decided to submit the same to the member governments for their comments. The Committee directed that the subject be placed on the agenda of the next session.

INTERIM REPORT OF THE COMMITTEE ADOPTED AT THE SESSION

The Government of the United Arab Republic by a reference made under Article 3 (b) of the Statutes requested this Committee to consider the subject of "the Rights of Refugees" in general and in particular the following issues:

1. Definition of refugees and their classifications.
2. The relation between the problem of refugees and the preservation of peace and justice in the world.
3. Principles guiding the solution of refugee problem:
 - (a) The right of asylum.
 - (b) The right of repatriation and resettlement.
 - (c) The right of indemnification.
4. Rights of refugees in the country of residence:
 - (a) The right to life and liberty.
 - (b) The right to fair trial.
 - (c) The right to speech, conscience and religion.
 - (d) The right of employment.
 - (e) The right to social security.
 - (f) The right to education.
5. International assistance to refugees:
 - (a) Travel documents—visas.
 - (b) Financial assistance.
 - (c) Technical assistance.
 - (d) International co-operation in the field of refugees:
International Agreements and International Agencies.

The subject was placed on the agenda of the Sixth Session of the Committee for consideration. At that session, the Committee generally discussed the subject on the basis of a note prepared by the Secretariat and a memorandum submitted by the