

ASIAN-AFRICAN  
LEGAL  
CONSULTATIVE COMMITTEE

REPORT  
OF THE  
SIXTH SESSION  
CAIRO  
1964

**ASIAN-AFRICAN  
LEGAL CONSULTATIVE  
COMMITTEE**

**REPORT**  
of the  
**SIXTH SESSION**  
held at  
**CAIRO**  
from 24th February to 6th March  
1964

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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 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 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 October 1958, Pakistan from the 1st January 1959, Morocco from the 24th February 1961, Thailand from the 6th December 1961, and Ghana from the 28th 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 and the sixth in Cairo. The Committee has a permanent secretariat in New Delhi for the conduct of its 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. The Liaison Officers normally meet once a month or as often as necessary.

#### *Office Bearers of the Committee and its Secretariat*

The Committee during its First Session elected the Member for Burma, Hon'ble Chief Justice U MYINT THEIN, and the Member for Indonesia, Hon'ble Chief Justice DR. WIRJONO PRODJODIKORO respectively as President and Vice-President 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, 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, 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 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, Hon'ble MR. M. C. SETALVAD, Attorney-General of India, was elected as President and 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 Court of Cassation, Cairo, as President and the Member for Ghana, MR. J. K. ABENSETTS, Solicitor-General of Ghana, as Vice-President of the Committee.

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 and Sixth Sessions 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 Organizations*

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 and Sixth Sessions respectively by DR. F. V. GARCIA-AMADOR, DR. RADHABINOD PAL, and MR. EDUARDO JIMENEZ DE ARECHAGA, Chairman of the International Law Commission. The Secretary-General of the United Nations was represented at the Committee's Fifth Session by MR. OSCAR SCHACHTER of the U.N. Secretariat and at the Sixth Session by MR. LUIS MORENO VERDIN, Director of the U.N. Information Centre, Cairo. At the Sixth Session, the Office of the United Nations High Commissioner for Refugees and the Organisation of American States were also represented respectively by H. H. PRINCE SADRUDDIN AGHA KHAN and DR. F. V. GARCIA-AMADOR in the capacity of Observers. The Arab League also sent