

representatives at the Committee's Second, Fifth and Sixth 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 took a decision 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. In addition, the Secretary has the discretion to invite any agency of the United Nations to attend the sessions of the Committee having regard to the agenda of the particular session.

The governments of the participating countries in the Committee originally referred ten problems for the consideration of the Committee. These were:

- (i) Functions, Privileges and Immunities of Diplomatic Envoys or Agents including questions regarding enactment of legislation to provide for Diplomatic Immunities (Referred by India and Japan);
- (ii) Principles for extradition of offenders taking refuge in the territory of another State including questions relating to desirability of conclusion of extradition treaties and simplification of the procedure for extradition (Referred by Burma and India);
- (iii) Law relating to the Regime of the High Seas including questions relating to the Rights to Sea-bed and Subsoil in the Open Sea (Referred by Ceylon and India);
- (iv) Status of Aliens including questions of Responsibility of States regarding Treatment of Foreign Nationals (Referred by Japan);
- (v) Restrictions on Immunity of States in respect of Commercial Transactions entered into by or on behalf of States and by State Trading Corporations (Referred by India);

- (vi) Law of the Territorial Sea (Referred by Ceylon and U.A.R.);
- (vii) Questions relating to Dual Citizenship (Referred by Burma);
- (viii) Ionospheric Sovereignty (Referred by India);
- (ix) Questions relating to Reciprocal Enforcement of Foreign Judgments in Matrimonial Matters (Referred by Ceylon); and
- (x) Questions relating to Free Legal Aid (Referred by Ceylon).

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 of the 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 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 generally considered 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 affirmed the view it had taken in its Report with regard to restrictions on 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 Status of Aliens and Extradition on which it was able to draw up provisionally the principles governing the subjects in the form of Draft Articles. The Committee discussed the subject of Status of Aliens, which had been referred to it by the Government of Japan, on the basis of a memorandum presented to it by the Committee's Secretariat and information supplied by the governments of the participating countries regarding their laws and State practice with regard to entry, treatment and deportation of foreigners. The discussions on Extradition were based on the draft of a multi-lateral convention presented by the Government of the United Arab Republic and a memorandum submitted by the Committee's Secretariat. 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 Legality of Nuclear Tests and the legal aspects of certain economic matters, namely Conflict of Laws in respect of International Sales, and Relief against Double Taxation.

Fourth Session: The Fourth Session of the Committee was held in Tokyo from 15th to 23th February 1961. The Committee at this Session discussed in detail the subjects of Extradition and 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 its 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. It took note of the statement made at this session by DR. F. V. GARCIA-AMADOR, Special Rapporteur of the International Law Commission on State Responsibility and decided to take up the subject for discussion at its next session.

The Committee also gave special attention to the question of Legality of Nuclear Tests. It considered the subject on the basis of the Report prepared by the Secretariat, and the Delegates of the participating countries of the Committee made statements on the question of Legality of Nuclear Tests indicating the scope of the subject under consideration of this Committee and the basic principles on which further material needed to be collected. After a general discussion on the subject 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 Report of the Secretariat on the work done by the International Law Commission at its Twelfth Session and took note of the statement made by the Observer on behalf of the International Law Commission.

The Committee considered the subjects relating to Free Legal Aid and Recognition of Foreign Decrees in Matrimonial Matters, and it decided to publish the Reports of the Rapporteur on both these subjects to be presented to the governments of the participating countries.

The Committee also generally discussed other subjects on the agenda, viz. Arbitral Procedure, Conflict of Laws with regard to International Sales and Purchases, Laws relating to Avoidance of Double Taxation and Dual Nationality. The Committee decided to include all these subjects in the agenda of its Fifth Session.

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 Legality of Nuclear Tests. The subject of Dual Nationality was considered on the basis of a Draft Agreement presented by the Delegation of the United Arab Republic.

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 Legality of Nuclear Tests on the basis of the materials on scientific and legal aspects of nuclear tests collected by the Secretariat of the Committee. The Committee heard the viewpoints and expressions of opinion on the various topics on the subject from the Delegations of Burma, Ceylon, India, Indonesia, Japan, Pakistan, Thailand and the United Arab Republic. The governments of Japan and the United Arab Republic also submitted written memoranda on the subject. On the basis of these discussions, the Secretary of the Committee drew up a Draft Report on the subject for 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. The Committee also took note of the work done by the International Law Commission at its Thirteenth Session and expressed its appreciation of the very valuable services rendered by the distinguished Member for the United Arab Republic in representing the Committee as an Observer at that session. The Committee generally discussed the subject of Consular Intercourse and Immunities and decided to request the governments of the participating countries to transmit their comments on the Draft Articles, prepared by the Commission, to the Secretariat of the Committee. It was further decided that the Secretariat should prepare a report on the basis of these comments which should be considered as a priority item at the next session of the Committee.

The Committee at this session also considered certain proposals regarding revision of the Statutes of this Committee. A Sub-Committee consisting of one representative from each Delegation went into the matter in some detail and the recommendations of this Sub-Committee were accepted by the Committee. It was recommended that Articles 1, 3(a) and 3(e) should be amended and that a new Article, 2(a), should be introduced to provide for Associate Membership of the Committee under certain conditions. It was also recommended that certain consequential changes be made in the Statutory Rules of the Committee.

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 Legality of Nuclear Tests. It also discussed the subjects of Rights of Refugees and U.N. Charter from the Asian-African Viewpoint, which were referred by the Government of U.A.R. The questions relating to Reciprocal Enforcement of Judgments, Service of Process and 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 Government of Burma, which had referred the subject for consideration, and to the governments of the other participating countries.

The question of Legality of Nuclear Tests, which was under consideration of 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 also considered certain questions relating to the recently concluded Vienna Conventions, viz. Vienna Convention on Diplomatic Relations 1961, Vienna Convention on Consular Relations 1963, and Vienna Convention on Nuclear Damage 1963, and took note of the Report on the Work Done by the International Law Commission at its Fifteenth Session submitted to it by Dr. H. W. TAMBIAH who had represented the Committee as an observer at that Session.

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 and Legality of Nuclear Tests. The Committee has also finalised the provisions with regard to its privileges and immunities as an international organisation which have now been submitted to the Governments of Member States for implementation.

The Committee has made considerable progress on Diplomatic Protection and State Responsibility, Double Taxation, Laws relating to International Sales and Purchases, Reciprocal Enforcement of Judgments, Rights of Refugees and U.N. Charter from Asian-African Viewpoint. The Committee has also before it for consideration several of the other subjects including Law of the Territorial Sea, Law of Outer Space, Law of Treaties, Accessions to General Multilateral Treaties concluded under the auspices of the League of Nations and State Succession. It is also undertaking a publication of the Constitutions of Asian African Countries as also a digest of important decisions of the municipal courts of these countries on international legal questions. The Committee is also contemplating publication of its studies on International Economic Law, namely (1) Laws and Regulations relating to Export and Import Trade in the Member Countries, (2) Laws and Regulations relating to Control on Industry in the Member Countries and (3) Investment Laws and Regulations in the Member Countries.

I. Delegates of the Participating Countries and Observers Present at the Session

BURMA : Not Represented

CEYLON

Member and Leader
of the Delegation : Hon. H. W. TAMBIAH,
Judge, Supreme Court of Ceylon.

Adviser : MR. H. L. DE SILVA,
Crown Counsel.

Adviser : MR. C. F. AMERASINGHE,
Lecturer in Law,
University of Ceylon.

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. OFOSU AMAH,
Lecturer in Law,
University of Ghana.

INDIA

Member and Leader
of the Delegation : MR. C. K. DAPHTARY,
Attorney-General for India.

Alternate Member
and Deputy Leader : MR. B. N. LOKUR,
Secretary to the Government of India,
Ministry of Law.

Adviser : DR. NAGENDRA SINGH,
Additional Secretary to the
Government of India,
Ministry of Transport.

- Adviser : MR. G. A. SHAH,
Joint Secretary to the Government of
India, Ministry of Law.
- Adviser : DR. K. KRISHNA RAO,
Director,
Legal and Treaties Division,
Ministry of External Affairs.
- Adviser : MR. J. ABRAHAM,
Counsellor, Indian Embassy,
Cairo.

INDONESIA

- Member and Leader
of the Delegation : MR. NUGROHO,
Chief of Directorate for
United Nations Affairs,
Department of Foreign Affairs.
- Alternate Member : DR. HASJIM DJALAL,
Chief of the International Law Division,
Department of Foreign Affairs.
- Adviser : MR. MARDANOE,
Embassy of Indonesia, Cairo.

IRAQ

- Member and Leader
of the Delegation : DR. HASAN AL-RAWI,
Director-General,
Legal Department,
Ministry of Foreign Affairs.
- Alternate Member : MR. DHIA SHEET KHATTAB,
Judge, Cour de Cassation, Iraq.
- Adviser : MR. ABDUL HUSSAIN AL-JAMALI,
First Secretary,
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. MITSUHIKO HAZUMI,
Second Secretary,
Embassy of Japan, Cairo.
- Adviser : MR. CHUSEI YAMADA,
Second Secretary,
Embassy of Japan, New Delhi.

PAKISTAN

Not Represented

THAILAND

- Member and Leader
of the Delegation : DR. SOMPONG SUCHARITKUL,
Ministry of Foreign Affairs,
Government of Thailand.
- Alternate Member : DR. SUDHEE PRASASVINICHAI,
Ministry of Foreign Affairs,
Government of Thailand.

*UNITED ARAB
REPUBLIC*

- Member and Leader
of the Delegation, : MR. HAFEZ SABEK,
Ex-President of the Court of Cassation.
- Alternate Member
and Deputy Leader : MR. MOHAMED ABDEL SALAM,
Attorney-General of U.A.R.
- Adviser : MR. ADEL YOUNIS,
Judge of the Court of Cassation.
- Adviser : DR. EZZEDDIN ABDALLA,
Dean of the Faculty of Law,
Ein Shams University.

- Adviser : DR. GABER GAAD ABDEL RAHMAN,
Dean of the Faculty of Law,
Cairo University.
- Adviser : DR. HAMED SULTAN,
Professor, Faculty of Law,
Cairo University.
- Adviser : MR. SAAD EL-DIN ATIA,
Chief, Legislative Department,
Ministry of Justice.
- Adviser : MR. OMAR EL-SHERIEF,
Councillor of the State Council.
- Adviser : MR. ABDEL AZIZ EL-SHORBAGY,
Dean of the Bar Association.
- Adviser : DR. MOHAMED HAFEZ GHANEM,
Professor, Faculty of Law,
Ein Shams University.
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- Secretary to the
Committee* MR. B. SEN,
Senior Advocate of the Supreme Court
of India and Hony. Legal Adviser,
Ministry of External Affairs,
Government of India.

OBSERVERS

- Lebanon* : MR. HASSAN HACHACH,
Embassy of Lebanon, Cairo.
- Liberia* : Hon'ble MR. ROLAND BARNES,
Assistant Attorney-General of Liberia.
- Mali* : MR. KHALIL GOURO,
Charge d'Affaires,
Embassy of Mali, Cairo.
- Nigeria* : MR. O. O. OMOLULU,
Solicitor-General of the Federation of
Nigeria and Permanent Secretary,
Ministry of Justice.

- Philippines* : MR. FROILAN M. MAGLAYA,
Embassy of the Philippines, Cairo.
- Arab League* : MR. ONI ABDEL HADI,
Chief of the Permanent Legal Committee.
MR. MAMDUH AZAM,
Chief of Legal Section.
MR. SAAD ABDEL SALAM
MR. MUSTAPHA EL ALFY,
Attache.
MR. SHARAF EL DIN ABDALLA,
Attache.
- International Law
Commission* : MR. EDUARDO JIMENEZ DE ARECHAGA,
Chairman, International Law
Commission.
- United Nations* : MR. LUIS MORENO VERDIN,
Director of the United Nations Infor-
mation Centre, Cairo.
- United Nations Office
of the High Commissioner
for Refugees* : H.H. PRINCE SADRUDDIN AGA KHAN,
U.N. Deputy High Commissioner for
Refugees.
DR. E. JAHN,
Chief of UNHCR Legal Section.
MR. OMAR SHARAF,
Acting Representative of UNHCR
in Cairo.
- Pan American Union* : MR. F. V. GARCIA-AMADOR,
Director,
Department of Legal Affairs,
Pan American Union.

CONFERENCE ORGANISATION

- Head of Organisation* : MR. MOHAMMED ABDEL SALAM,
Attorney-General of the U.A.R.
- Conference Officer* : MR. MOHAMMED HASSAN,
District Attorney,
Attorney-General's Office,
U.A.R.
- Liaison Officer* : MR. SAMIH A. F. SADEK,
Second Secretary,
Ministry of Foreign Affairs, Cairo.
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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. J. OWUSU-AKYEAMPONG,
Counsellor,
High Commission for Ghana,
New Delhi.
- India* : MR. J. C. AJMANI,
Deputy Secretary,
Ministry of External Affairs,
Government of India,
New Delhi.
- Indonesia* : MR. HUSNI THAMRIN PANE,
First Secretary,
Embassy of Indonesia,
New Delhi. (Acting)
- Iraq* : MR. AHMAD AL-FARISI,
Counsellor,
Embassy of Iraq,
New Delhi.
- Japan* : MR. S. TNAETANI,
Minister,
Embassy of Japan,
New Delhi.
- Pakistan* : MR. M. RAHMAN,
Deputy High Commissioner,
Pakistan High Commission,
New Delhi.

* As on 1st October 1964.

Thailand : MR. S. BAMRUNGPHONG,
First Secretary,
Embassy of Thailand,
New Delhi.

United Arab Republic : MR. SALAH A. ZAKI,
Third Secretary,
Embassy of the U.A.R.
New Delhi. (Acting)

II. 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 new members in the Committee.
4. Admission of Observers to the Session.
5. Consideration of the Secretary's Report.
6. Further consideration of the Draft Articles on Immunities and Privileges of the Committee.
7. Appointment of the Secretary of the Committee.
8. Consideration of the Committee's programme of work for 1964-65.
9. Consideration of the question of printing and publication of the proceedings of the Sixth Session of the Committee and other publications.
10. Consideration of the question of the Committee's staff structure for the term 1964-66.
11. Co-operation with other organisations.
12. Date and place of the Seventh 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 of the Fifteenth Session of the International Law Commission*.
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 Maltreatment of Aliens.
2. *Dual Nationality* (Referred by the Government of Burma)—Consideration of the Committee's Report adopted at the Fifth Session.
3. *United Nations Charter from the view of the Asian-African countries* (Referred by the Government of the United Arab Republic)—for preliminary discussion.
4. *The Rights of the Refugees* (Referred by the Government of the United Arab Republic)—for preliminary discussion.
5. *Law of the Territorial Sea* (Referred by the Government of United Arab Republic).
6. Consideration of (a) *the Vienna Convention on Diplomatic Relations* 1961, (b) *the Vienna Convention on Consular Relations* 1963, (c) *the Vienna Convention on Civil Liability for Nuclear Damage* 1963 (Referred by the Government of India).
7. *Enforcement of Judgments, the Service of Process and the Recording of Evidence among States both in civil and criminal cases* (Referred by the Government of Ceylon).

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

1. *Legality of Nuclear Tests* (Adopted by the Committee at the suggestion of the Government of India).
2. *Relief against Double Taxation* (Referred by the Government of India).

III. IMMUNITIES AND PRIVILEGES OF THE COMMITTEE

INTRODUCTORY NOTE

At the First Session of this Committee held in New Delhi, in April 1957, opinions were expressed that the Committee as an Inter-Governmental Organisation should have certain immunities and privileges in the territories of the participating States. It was also felt that the representatives of the member States attending the Sessions of the Committee as well as the Committee's Secretary and the members of the Secretariat should enjoy the immunities and privileges admissible to the participants in the meetings of the other international organisations and members of their Secretariat. The Committee accordingly directed its Secretariat to prepare the background material in this connection for consideration at its Second Session.

At its Second Session held in Cairo, in October 1958, the Committee provisionally drew up a set of Draft Articles on the subject which were submitted to the Governments of the member States for comments. As some of the Governments expressed the view that the immunities and privileges in the Cairo draft went in certain respects beyond those that are normally given to similar Inter-Governmental Organisations, the Committee at its Fifth Session held in Rangoon in 1962 appointed a Sub-Committee to prepare an alternative draft for consideration of the Committee. The draft prepared by the Sub-Committee was transmitted to the Governments of the participating countries for their comments. The provisions of the draft were acceptable to the Governments of India, Pakistan, Burma, Ceylon and Iraq whilst Japan, Indonesia and the United Arab Republic suggested certain changes.

The Committee at its Sixth Session considered the draft prepared by the Sub-Committee appointed at its Fifth Session in the light of the comments made by the Governments. The Committee was able to finalise the provisions on the subject and has recommended to the Governments that they be implemented by taking appropriate measures.

**IMMUNITIES AND PRIVILEGES OF
THE ASIAN-AFRICAN LEGAL CONSULTATIVE
COMMITTEE AS ADOPTED BY THE COMMITTEE
AT ITS SIXTH SESSION**

ARTICLE I

Privileges and immunities are accorded under this Instrument not to benefit individuals, but to ensure the efficient performance of the functions of the Committee. Consequently, the Committee and the participating Governments have not only the right but also a duty to waive the immunity in any case where in their opinion the immunity would impede the course of justice and where it can be waived without prejudice to the purpose for which the immunity is accorded.

ARTICLE II

Juridical Personality

The Committee shall possess juridical personality and shall have the capacity to contract, to acquire and dispose of immoveable and moveable property and to institute legal proceedings in its name.

ARTICLE III

Property, Funds and Assets

(a) The Committee, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case the Committee has expressly waived its immunity. It is, however, understood, that no waiver of immunity shall extend to any measure of execution.

(b) The Committee, its property and assets as also its archives shall be inviolable and shall be immune from search, requisition, confiscation, expropriation and any other form of interference whether by executive, administrative, juridical or legislative action in any of the participating countries. The premises occupied by the Committee for its Secretariat shall be likewise inviolable and immune from search provided the said premises are solely used for the purposes of the Committee.

(c) The Committee shall be immune from the regulations relating to exchange control in the matter of holding or transfer of its funds from one participating country to another. In exercising this right, the Committee shall pay due regard to any representations made by the Government of any participating country, insofar as it is considered that effect can be given to such representations without detriment to the interests of the Committee. However, the Committee shall not take out of any participating country more than what the Committee has brought in.

(d) The Committee, its assets, income and other property, whether owned or occupied by it, shall be exempt from all direct taxes; it is understood, however, that the Committee will not claim exemption from taxes which are in fact no more than charges for public utility services.

(e) The Committee shall be exempt from payment of customs duty as also prohibitions and restrictions on imports and exports of articles or publications imported or exported by it for its official use. It is understood that articles imported under such exemption will not be sold in the country to which they are imported, except under such conditions as have been agreed upon with the Government of that country, which in any case shall not exceed those extended to similar inter-governmental organisations.

ARTICLE IV

Facilities in respect of Communications

(a) The Committee and its Secretariat shall enjoy in each of the participating countries freedom of communication and no censorship shall be applied to the official correspondence of the Committee certified as such and bearing the official seal of the Committee.

(b) Nothing in this article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the participating Governments and the Committee.*

* The Delegate of Indonesia reserved his position on Article IV(b).

ARTICLE V

*Representatives of the Participating Countries,
Observers and the Secretary of the Committee*

1. Representatives of the participating countries designated as Members, Alternate Members and Advisers as also Observers and the Secretary or the Acting Secretary of the Committee shall, during their stay in the country in which the Session of the Committee is held and also during their journey to and from that country, enjoy the following:—

- (a) Immunity from personal arrest or detention and from seizure of the personal baggage and immunity from legal procedure in respect of words spoken or written and all acts done by them in their official capacity;
- (b) Inviolability of all papers and documents;
- (c) The right to receive papers or correspondence in sealed covers;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the country in which the Session of the Committee is held and in the participating countries through which they are in transit for the purpose of attending the Session of the Committee;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to temporary diplomatic missions;
- (f) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic agents. The words 'personal baggage' in this section shall not be interpreted to include an automobile and other means of transportation. Personal baggage shall not, however, be sold in the country in which the Session of the Committee is held without an express authorisation from the Government of that country;
- (g) Such other privileges and immunities and facilities not inconsistent with the foregoing as the diplomatic agents enjoy, except that they shall have no right to claim exemption from customs duties on goods imported

(otherwise than as part of their personal baggage) or from excise duties or sales-taxes;

Provided always that the immunities specified in the foregoing clauses can be waived in any individual case in regard to a member of the delegation, by the Government of the participating country which the individual represents.

2. The provisions of Article V are not applicable as between a representative and the authorities of the country of which he is a national or of which he is or has been the representative.

3. Where the incidence of any form of taxation depends upon residence, the periods, during which the representatives of participating countries to the Committee and to conferences convened by the Committee are present in a participating country for the discharge of their duties, shall not be considered as periods of their residence.

ARTICLE VI

Officials of the Secretariat

1. Officials of the Committee shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the Committee and on the same conditions as are enjoyed by officials of the United Nations.
- (c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens registration;
- (d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (f) Have the right to import free of duty furniture and

effects within one year of the time when they first take up their posts in the country in question; the term "effects" in this section shall not be interpreted to include an automobile or other means of transportation;

(g) Be exempt from national service obligations.

2. The immunities and privileges except those specified in clause 1(a) above shall not be applicable to the nationals of the country in question unless expressly extended by the participating country.

3. The Secretary of the Committee, with the approval of the Committee, shall communicate to the Governments of participating countries the categories of the officials to whom the provisions of this Article shall apply.

4. The immunities specified in the foregoing clauses can be waived in any individual case, in regard to an official of the Secretariat by the Secretary of the Committee, and in case of the Secretary, by the Committee itself.

5. The Committee shall cooperate at all times with the appropriate authorities of participating countries to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VII

Settlement of Differences

If any participating country considers that there has been an abuse of any privilege or immunity conferred by this Instrument, consultations shall be held between that country and the Committee to determine whether any such abuse has occurred, and if so, to attempt to ensure that no repetition occurs.

IV. DUAL NATIONALITY

INTRODUCTORY NOTE

The subject of Dual Nationality was referred to the Committee by the Government of the Union of Burma under the provisions of Article 3(b) of the Statutes of the Committee. The Governments of Burma, Japan and the United Arab Republic submitted memoranda on the subject and the United Arab Republic also presented a Draft Agreement for consideration of the Committee.

During the First Session held in New Delhi, the Delegations of Burma, Indonesia and Japan made brief statements on the problem of dual nationality but the Committee decided to postpone further consideration of the subject as the Delegations of India, Ceylon, Iraq and Syria had reserved their position on this subject.

During the Second Session held in Cairo, the views of the Delegations were ascertained on the basis of a questionnaire prepared by the Secretariat. The main topics discussed during the Second Session were: (1) the acquisition of dual nationality; (2) the position of a resident citizen who is simultaneously a citizen of another State and the rights of such a citizen; (3) the position of a non-resident citizen possessing dual nationality; and (4) the position of an alien possessing dual nationality. The Delegations were of the opinion that it would be desirable to reduce the number of cases of persons possessing dual nationality by means of enacting suitable national legislation or by concluding international conventions. It was, however, felt that unless there was uniformity in nationality laws and unanimity on the fundamental principles of nationality, it would be very difficult to achieve the desired objective by means of a multilateral convention. The Committee decided that the Secretariat should prepare a report on the subject on the basis of the discussions held during the session and that this report together with the draft agreement submitted by the United Arab Republic should be taken up for consideration during the Third Session.

At the Third Session held in Colombo, the Committee had a general discussion on the subject, and the unanimous view of the Delegations was that some preparatory work should be done by the governments of the participating countries on the basis of the

report of the Secretariat before the Committee could finally make its recommendations on the subject. The Committee therefore decided to request the governments of the participating countries to study the report of the Secretariat and the Draft Agreement submitted by the Delegation of the United Arab Republic and to communicate their views to the Secretariat in the form of memoranda indicating particular problems which have arisen in this regard and suggesting specific points which they desire the Committee to take up for particular study and consideration.

At the Fourth Session held in Tokyo, the Committee gave further consideration to the subject and decided to request the Delegation of the United Arab Republic to prepare a revised draft of a convention in the light of the comments received from the governments of the participating countries for consideration at the Fifth Session of the Committee. The Committee also directed the Secretariat to request the governments which had not given their comments to do so as early as possible and thereafter to forward the comments on to the Delegation of the United Arab Republic.

At the Fifth Session held in Rangoon in January 1962, the subject was fully considered by the Committee on the basis of a draft of an Agreement submitted by the Delegation of the United Arab Republic. The Committee also had before it written memoranda on the subject submitted by the Governments of Burma, Ceylon, Indonesia, Iraq and Japan. After a detailed discussion on the various aspects of the subject the Committee adopted a preliminary report containing the draft Articles embodying principles relating to the elimination or reduction of dual or multiple nationality.

At the Sixth Session of the Committee held in Cairo in 1964, the subject was finally discussed 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. It was decided to submit the Final Report to the Government of Burma and the Governments of the other countries.

FINAL REPORT OF THE COMMITTEE ADOPTED AT THE SESSION

Model articles embodying principles relating to elimination or reduction of dual or multiple nationality

GENERAL PROVISIONS*

ARTICLE 1

It is for each State to determine under its own law who are its nationals. This law itself shall be recognised by other States in so far as it is consistent with international conventions, international customs, and the principles of law generally recognised with regard to nationality.

Note: The Delegate of Thailand stated that with the exception of the principle of compulsory recognition he accepted the other principles incorporated in this Article.

ARTICLE 2

Questions as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State.

Note: The Delegate of India reserved his position on this Article.

ARTICLE 3

Alternative (A)

For the purpose of these Model Articles the age of majority of a person shall be determined according to the law of the State the nationality of which is to be acquired, retained, or renounced.

Alternative (B)

The age of majority shall be determined according to the laws of the State, the nationality of which is relevant for the matter under consideration, provided that for the purposes of Articles 5 and of Article 7, the majority age (in the event of any conflict of

*As regards Dual Nationality, the Delegation of Pakistan stated that the Government of Pakistan recognises no second nationality in a citizen except that in the United Kingdom; a citizen of Pakistan has all the rights of a citizen of the United Kingdom including the right of vote. The Delegation of Ghana reserved the position of his Government on these Articles.

State laws) shall be the majority age under the law of the State which prescribes a higher age.

Note: The Delegates of Burma, Thailand and the United Arab Republic accepted Alternative (A) of Article 3. The Delegates of Ceylon and India accepted Alternative (B) of Article 3. The Delegate of Thailand saw no objection to Alternative (B). The Delegates of Japan and Indonesia reserved their position on this Article.

Nationality of Married Women

ARTICLE 4

(1) If a woman who is a national of one State marries a national of another State, or if a husband acquires a nationality other than that he had on the date of marriage, the nationality of the wife shall not be affected.

(2) Nevertheless if she, in either of such cases, voluntarily acquires the nationality of her husband, she loses *ipso facto* the other nationality.

Note: The Delegate of Thailand whilst accepting clause (1) of this Article wished it to be understood that this principle would also apply in the case of a husband acquiring an additional nationality. The Delegate of India wished that the words, "unless she has already renounced her original nationality" to be added at the end of clause (2) of this Article.

Nationality of Children

ARTICLE 5

(1) A minor follows ordinarily his father's nationality. If the minor is born out of wedlock, or if the nationality of his father is unknown or if his father has no nationality, he follows his mother's nationality.

(2) Nevertheless, if a minor born to a national of one State in another State is deemed in accordance with the laws of each of the two States to be its national, he should opt for one of these two nationalities within one year from the date of attaining his majority age in accordance with the provisions of Article 7.

Note: The Delegates of Ceylon and India accepted only the first sentence of clause (1) of this Article. The Delegate of Ceylon could not accept the second sentence of clause (1) of this Article in view of the inclusion in it of reference to the case of a minor whose father is stateless. The Delegate of India preferred the omission of the second sentence

but expressed the view that the principle of nationality of the State of birth instead of the principle of mother's nationality should be adopted. The Delegates of Burma and Thailand accepted the provisions of clause (2) of this Article. The Delegates of Ceylon, India and the United Arab Republic were in agreement that clause (2) of this Article was not necessary. The Delegate of Indonesia reserved his position on clause (2) of this Article. The Delegate of Japan reserved his position on paragraph (2) of Article 5 of the draft.

Adoption

ARTICLE 6

In case of valid adoption, the adopted minor shall follow his adopter's nationality.

Note: The Delegates of Burma, Indonesia and the United Arab Republic accepted this Article. The Delegates of Indonesia and the United Arab Republic took the view that the minor should have an option after he attains majority to choose between his original nationality and the nationality of his adopter. The Delegate of Thailand stated that the words "be entitled to" should be inserted between the word "shall" and the word "follow". This Article was not accepted by the Delegates of Ceylon, India and Japan.

Option

ARTICLE 7

A person who knows that he possesses two nationalities acquired without any voluntary act on his part should renounce one of them in accordance with the law of the State whose nationality he desires to renounce, within twelve months of his knowing that fact or within twelve months of attaining his majority age, whichever is the latter.

Note: The Delegates of Burma, Ceylon, India Thailand and the United Arab Republic accepted this Article. The Delegate of Indonesia reserved his position on this Article although he expressed the view that the option available to the individual must be of obligatory character and that States should by means of agreement provide for dealing with cases where the individual does not exercise the option. The Delegate of Japan was not in favour of imposing any obligation on an individual to exercise the option.

Active Nationality

ARTICLE 8

A person having more than one nationality shall be treated as having only one nationality in a third State. A third State should,