

ASIAN-AFRICAN
LEGAL
CONSULTATIVE COMMITTEE

Report of the Ninth Session
New Delhi
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LEGAL
CONSULTATIVE COMMITTEE

REPORT OF THE NINTH SESSION
HELD IN NEW DELHI

From 18th to 29th December, 1967

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THE SECRETARIAT OF THE COMMITTEE
NEW DELHI (India)

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I. INTRODUCTORY

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 legal matters of common concern between the participating countries. In response to a suggestion made by the then Prime Minister of India, late Mr. Jawahar Lal Nehru, 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 of April 1958, so as to include participation of the 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, GHANA from the 28th of October 1963, and JORDAN from the 1st of January 1968.

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

- “(a) To examine 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 examine the reports of the Commission and to make recommendations thereon to the Governments of the participating countries;
- (b) To consider 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) To exchange views and information on legal matters of common concern and to make recommendations thereon, if deemed necessary ; 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 (1957), the Second in Cairo (1958), the third in Colombo (1960), the Fourth in Tokyo (1961), the Fifth in Rangoon (1962), the Sixth in Cairo (1964), the Seventh in Baghdad (1965), the Eighth in Bangkok (1966), and the Ninth Session was held in New Delhi from December 18 to 29, 1967.

The Committee has its permanent Secretariat in New Delhi for the conduct of day to day work. A section of the Secretariat is charged with the collection of materials and preparation of background papers for assisting the Committee in its deliberations during the Sessions. The Committee functions in all its 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 Justice U. Myint Thein, and the Member for Indonesia, the Hon'ble Chief Justice Dr. Wirjono Prodjodikoro as President and Vice-President of the Committee respectively for the year 1957-58. During the Second Session the Committee elected the Member for 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 for the year 1958-59. At the Third Session, the Member for Ceylon, the Hon'ble Chief Justice Mr. H.H. Basnayake, was elected as President of the Committee, and Chaudhuri Nazir Ahmed Khan, Attorney-General of Pakistan, as Vice-President for the year 1960-61. At the Fourth Session the Member for Japan, Dr. Kenzo Takayanagi, President of Cabinet Commission on Constitutional Reforms was elected as President of the Committee, and the Hon'ble Dr. Wirjono Prodjodikoro, Chief Justice of the Republic of Indonesia, as Vice-President for the year 1961-62. At its Fifth Session, the Committee elected the Member for India, Mr. M.C. Setalved, as President, and the Hon'ble Mr. A.T.M. Mustafa, Minister for Law in the Government of East Pakistan, as Vice-President of the Committee for the year 1962-63. At the Sixth Session, the Member for U.A.R., Mr. Hafez Sabek, Ex-President of the *Cour de Cassation*, and Mr. J. K. Abensetts, Solicitor-General of Ghana, were respectively elected as President and Vice-President of the Committee for the year 1964-65. During the Seventh Session, the Committee elected the Member for Iraq, Hon'ble Mr. Justice Shakir Al-Ani as President and the Member for Ceylon, Hon'ble Mr. Justice T.S. Fernando, as Vice-President of the Committee for the year 1965-66. At the Eighth Session the Committee elected the Member for Thailand, Mr. Sanya Dharmasakti, President of the Supreme