

## NOTES AND NEWS

### AFRICAN CONFERENCE ON THE RULE OF LAW<sup>1</sup>

The Executive Committee of the International Commission of Jurists at its meeting in February approved a proposal to convene in 1961 an African Conference on the Rule of Law. The Commission has accepted with great pleasure an invitation from its Nigerian Section, "Liberty", to hold the Conference in Lagos, the federal capital of Nigeria, which will have achieved full sovereignty by October, 1960.

The general theme of the Conference is "Government Action, State Security and Human Rights". The relevant legal issues will be discussed in three committees: one will deal with "Human Rights and Government Security—the Legislative, Executive and Judiciary", the second with "Human Rights and Aspects of Criminal and Administrative Law", while the third committee will discuss "The Responsibility of the Judiciary and of the Bar for the protection of the Rights of the Individual in Society".

The Conference will have the following objectives:—

- (a) to discuss the major problems concerning the Bench and Bar in Africa, with an emphasis on the principles of the Rule of Law as elaborated by the International Congress of Jurists at New Delhi;
- (b) to enable lawyers from areas of different cultural backgrounds and legal traditions in Africa to familiarize themselves with the varying viewpoints of their colleagues, and to examine possible common grounds for future African legal developments;
- (c) to promote an exchange of experiences and opinions between African lawyers and prominent jurists from other continents on legal matters of current importance in newly-independent States;
- (d) to develop closer personal and organisational ties between the International Commission of Jurists and Bar Associations, the Judiciary, and legal study and research groups in Africa;
- (e) to explore ways in which the International Commission of Jurists can assist in the training of future lawyers and in strengthening the independence and prestige of the Judiciary and Bar;
- (f) to study the possibilities of establishing a long-range programme in Africa by the International Commission of Jurists.

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<sup>1</sup> As reported in the Commission's *Newsletter* for September, 1960.

The International Commission of Jurists decided to expand its activities in Africa in response to the growing interest there in the broader concept of the Rule of Law as it emerged from the New Delhi Congress. The conclusions adopted on that occasion, to quote its Honorary President, Judge J. T. Thorson, President of the Exchequer Court of Canada, "required an essential social, economic, educational and cultural content in the law that should rule in the free and orderly society that they envisaged".

The formulations of the Delhi Congress proved the fallacy of occasional critical comments directed at the notion of the Rule of Law and maintaining that in the Commission's interpretation it assumed a rigid and absolute character. The endorsement of the Commission's demand for harmony between the changing socio-economic conditions of a society and a framework of liberty has been nowhere wider or more genuine than in the new countries of Asia and Africa. The Lagos Conference will no doubt bear out the premise on which the Delhi Congress based its novel and progressive definition of the Rule of Law.

In preparation for the Commission's first meeting on African territory, its Administrative Secretary, Edward S. Kozera, undertook in May, 1960, an extensive tour of a number of West African countries. His visit was followed in July by that of another member of the Secretariat, Dr. V. M. Kabes, and will be followed by others. Meanwhile, at the Geneva headquarters, consultations are being held with leading African jurists on details of the Conference agenda, on the division of work between individual rapporteurs and on other questions of immediate concern for the success of this major event.

#### RECORDING OF CUSTOMARY LAW IN GHANA ?

The following contribution by a member to the debate of the Ghana Constituent Assembly<sup>1</sup> on the Courts Bill, 1960, is of interest, in view of the strong recommendation made by the London Conference on the Future of Law in Africa that "a record or digest of the native law and custom in relation to family relations, marriage, divorce, succession and land tenure" ought to be prepared in every African country:—<sup>2</sup>

*Mr. J. D. Wireko (C.P.P.—Amansie East): . . .*

Some time ago I asked that customary laws should be codified, and the Minister said that if they were codified they would cease to be customary laws. But with the appointment of Local Court Magistrates I think it will be fair and proper if these officers are guided by written customary laws in order that they may discharge their duties well. In this connection, I suggest that a directive be issued to all State Councils to declare what customs obtain in their particular local areas. I make this suggestion because the newly appointed Magistrates are going to work from place to place. They are not appointed—

<sup>1</sup> See Ghana Official Report of the Proceedings of the Constituent Assembly, 27th June, 1960, col. 397.

<sup>2</sup> Cf. *Record of Proceedings of the London Conference*, 1960, Chap. 4, esp. at p. 16.

*An hon. Member:* They are for particular areas.

*Mr. Wireko:* An hon. Member who is ignorant of the duties of the newly appointed Magistrates is telling me that they have been appointed to particular localities. That is not so. Each has to cover very wide areas. For example, in the Amansie constituency we have a local court Magistrate covering four different local council areas, and the customs of one local council area are different from those in the others. The Minister of Local Government should therefore issue instructions to Local and State Councils to set out all the customs that obtain in their areas so that the Magistrates may be guided by the customary law in dealing with cases in each area. I know that authority has been given to these Magistrates to invite advisers or jurymen, if I may call them so, to assist them in cases involving local custom, but it would be simpler if the Magistrates were guided, in addition to the services of these advisers in customary laws, by a set of written customary laws.

## INTERNATIONAL AFRICAN LAW ASSOCIATION NEWS

### FORMATION OF ITALIAN SECTION

An Italian Section of the Association has been formed. Meetings of the Section will be held at the Faculty of Law of the University of Rome in the Institute of Mediterranean Legal Studies. Professor E. Cerulli and Professor E. Volterra (Director of the Institute) have assumed the direction of the Section, whose work will be especially concerned with mediterranean Africa, Ethiopia and Somalia.

We wish the Italian Section every success under such distinguished patronage.