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NOTES AND NEWS

THE LAGOS CONFERENCE ON THE RULE OF LAW

This Conference, organized by the International Commission of Jurists, and of which advance news was given in an earlier note at [1960] J.A.L. 127, was held at Lagos, Nigeria, from 3rd to 7th January, 1961. It was financed by generous grants from the Ford Foundation and the Nigerian Federal Government, and was attended by 194 judges, practising lawyers and teachers of law from 23 African nations as well as nine countries on other continents.

The Conference was under the overall Chairmanship of the Chief Justice of the Federation of Nigeria, Sir Adetokunbo Ademola, and among the many illustrious participants were the Chief Justices of the Regions of Nigeria, the Chief Justices of Ghana, Liberia, and the Sudan, the Ministers of Justice of Senegal, Cameroun, and the Federation of Rhodesia and Nyasaland, and many other leading lawyers, not merely from African countries, but from the United Kingdom, the United States, France, and elsewhere.

The Conference, apart from opening and closing plenary sessions, met in three committees, concerned respectively with the relations between executive and legislature and the power to delegate the legislative power; bail, preventive detention and the judicial review of administrative action; and the rôle of the judiciary and the legal profession in the maintenance of the rule of law. The draft reports of the committees, after being examined in plenary session, were promulgated, along with a more general declaration on the rule of law entitled "The Law of Lagos", as resolutions of the Conference.

The Conference was an unqualified success, due mainly to the efficient organization of the directing staff, the generous hospitality of Nigerians in their public and private capacities, and the contributions of the participants to the problem of the practical application of rule of law ideas in African countries. It also provided an opportunity for lawyers from many parts of Africa to come together and compare notes and difficulties. We hope that it is merely the forerunner of many similar occasions.

"DOCUMENTING SUDAN LAW" PROJECT

The Ford Foundation has given a generous grant of \$106,000 to the University of Khartoum for a research project whose objective is to make a complete documentation of Sudan law—comprising the English common law, Islamic law and African customary law. The project envisaged consists of nothing less than saving the

national legal records of the Sudan, editing them, and publishing such parts of them as are deemed to be of permanent value and interest. It is estimated that it will take three years to complete the project, which will be divided into three stages:—

Stage 1.—The physical rescue of court records and other legal materials from different parts of the Sudan.

Stage 2.—The editing of the records at Khartoum. Here, the services of a professionally qualified person with Research Assistants will be required.

Stage 3.—The publication of selected cases and records considered to be worthy of interest.

The collection and documentation of law in an African state such as the Sudan, with its triple strands of the common law, Islamic law and African customary law, is of vital contemporary importance; and this project will undoubtedly be welcomed by all lawyers interested in the growth and development of law in Africa.

INTEGRATION COMMISSION IN SOMALI REPUBLIC

By Presidential Decree published on 20th October, 1960, a permanent Consultative Commission for integration has been established in the Somali Republic. The decree notes the necessity, as a result of the unification of Somaliland and Somalia and the proclamation of the Somali Republic, to promote the integration of the legislation and institutions of the two territories. For this purpose, the Commission has been given the task of co-ordinating the studies and work with respect to integration and presenting to the Government recommendations for integration in the form of legislative proposals.

The Commission consists of Mr. Paolo Contini, U.N. Legal Counsellor, as President, and four other members, viz.: Mr. P. O'Donoghue, Attorney-General and Legal Adviser of Somaliland; Mr. Mario Tucci, State Attorney of the Somali Government; Mr. Auod Hagi Mussa, government official attached to the Presidency of the Council; and Mr. Yusuf Jama Ali, government official.

The task entrusted to this Commission is obviously a very difficult one. The legislation and institutions existing in ex-British Somaliland and ex-Italian Somaliland before unification are still in a large measure in force in the two territories. The judicial and legal systems, in particular, vary fundamentally. Whereas in the Northern Region (Somaliland), the system is based on the English colonial model, with English common law and certain applied English and Indian Acts comprising the general law, in the Southern Regions the system is typically Italian, where the Italian Civil and Criminal Codes and Procedure are applied.

Divergencies also exist in other fields. The organization of the army and the police, taxation and customs legislation, the currency and administrative systems, are all different in the Northern Region. It is understood that the Commission is giving priority to these urgent matters before turning to the complex task of trying to unify the judicial systems. The formula to be applied by the

Commission in amalgamating the legal systems will be of great interest to lawyers. An indication at this stage of what the Commission will do is best found in the words of the President of the Commission:—

“The Commission will of course take into account the existing practices of the two territories. However, we shall seek to propose Somali solutions which should be suitable to local conditions, necessities and customs. We shall also endeavour to find practical, simple and easily applicable formulas, without however sacrificing the clarity of legal concepts.”¹

INTERNATIONAL AFRICAN LAW ASSOCIATION NEWS

FORMATION OF BRITISH SECTION

The inaugural meeting of British members of the Association was held on 16th December, 1960, at the Institute of Advanced Legal Studies, University of London, with Professor J. N. D. Anderson, a Vice-President of the Association, in the chair. Members representing a number of institutions concerned with African affairs were present.

The major subject before the meeting was a proposal to constitute a British Section of the Association. After thorough discussion it was unanimously agreed that a local British Section should be formed, and the Chairman was instructed to approach the Association for recognition of the Section (which has now been duly accorded).

Among the functions which it is envisaged might be performed by the British Section are:—

- (i) the co-ordination of existing activity in the United Kingdom through the interchange of information on present or projected schemes of research into the law of Africa;
- (ii) the stimulation of interest in the study of the law in Africa;
- (iii) the arrangement of meetings from time to time to discuss particular aspects of the law in Africa.

INFORMAL MEETING IN LAGOS

The International African Law Association was invited to send two observers to the Lagos Conference on the Rule of Law (reported above), and the President, Dr. P. J. Idenburg, and the Co-Secretary-General, M. J. Poirier, duly attended as observers on behalf of the Association. Dr. A. N. Allott, the other Co-Secretary-General, also attended the Conference in his capacity as representative of the School of Oriental and African Studies, University of London. The Conference itself was under the chairmanship of the Chief Justice of the Federation of Nigeria, Sir A. Ademola, a Vice-President of the Association.

¹ Statement made to *Il Corriere della Somalia* of 31st October, 1960.