

ASIAN AFRICAN LEGAL CONSULTATIVE COMMITTEE: FIFTH SESSION,  
RANGOON, 1962. [New Delhi: Secretariat of the Asian African Legal  
Consultative Committee. 1963. iii + 189 pp. No price stated.]

At its Rangoon Conference in 1962 the Asian African Legal Consultative Committee discussed dual nationality, the legality of nuclear tests and arbitral procedure. The published report, however, is virtually confined to the first of these topics. Although a Draft Report on the Legality of Nuclear Testing in peacetime was apparently drawn up for submission to participating Governments, no hint is given of what this contains. In the case of arbitral procedure there is the briefest summary of the views of some of the delegates.

As regards dual nationality the aim of the Committee is to reduce its incidence as much as possible. The articles of the draft convention are somewhat conventional and tend to support the view of those who contend that current talk of an Asia-African approach to international law different from the traditional views is somewhat exaggerated. In view of the very selective membership of this Committee — from Asia only Burma, Ceylon, India, Indonesia, Japan, Pakistan and Thailand are members, while Africa is represented by Iraq, Morocco, Sudan and the United Arab Republic — care must be taken in accepting the Committee's views as being representative of the Asian-African approach to international law. This is particularly true of the Rangoon Conference, to which only delegates from Burma, Ceylon, India, Indonesia, Japan, Pakistan, Thailand and the U.A.R. came, although Ghana, Laos and the Philippines sent observers.

The interesting articles on the draft Convention on Nationality are those which imply that there is a duty to recognise a foreign State's nationality law, which impose an obligation to opt, and which seek to define the complex problem of what is here called 'active' nationality, but is known elsewhere as 'overriding' nationality. The Thai delegate declined to accept the concept of compulsory recognition (Art.1), although the provision is not nearly so far-sweeping as might at first sight appear. Compulsory recognition is only required "in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality."

Although Article 7 imposes an obligation to opt upon those who possess dual nationality, no obligation is imposed upon participants to enact legislation permitting renunciation of nationality.

Perhaps one of the most useful articles is that which provides that if a State permits its dual nationals to renounce its nationality, it shall not oblige such persons to do military service in its territory during their minority (Art.10), while Article 9 provides that a dual national shall only be liable for military service in the State of his active nationality. By Article 8 exclusive recognition should be afforded to "the nationality of the State in which he is habitually and principally resident or ... with which *in the circumstances* he appears to be in fact most closely connected" (italics added) — a provision that is likely to raise as many difficulties as it solves.

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A problem that the Secretariat of the Committee might well consider in the future is whether, in addition to reprinting the texts of agreed resolutions — all of them, it might also be useful to give at least a summarised version of the actual discussion that takes place, particularly as the participants all tend to be governmental representatives. This apart, the volume serves to show the views on selected problems of international law of a few States, the bond among which is that they are to be found in Africa and Asia.

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