



Recommendation 335 (1962)¹

European technical assistance to Africa in the legal field

Parliamentary Assembly

The Assembly,

Considering that technical assistance by European countries to African countries is, at present, confined mainly to the economic and cultural fields;

Considering that, on independence, African States are faced with various problems concerning the administration of justice and the settlement of their domestic legal systems ;

Considering that these States do not yet possess the means necessary for solving these problems ;

Considering, on the other hand, that the legal systems in force in these countries are partly derived from the law introduced by European countries and that there thus exists a legal relationship between European countries and African countries, which should constitute the basis for a programme of legal co-operation ;

Being of the opinion that the Council of Europe, which includes both those European States that which have special responsibilities in Africa and other States desirous of lending their assistance to Africa, should contribute to the realisation of such a programme;

Having examined the Report of its Legal Committee ([Doc. 1457](#)) and the summary of conclusions adopted by a group of independent experts appended hereto;

Recommends that the Committee of Ministers :

1. Should, in accordance with Article 15 (b) of the Statute, recommend to member Governments that they should support a programme of technical assistance to any country in Africa which requests assistance in the legal field and, more particularly :
 - a. facilitate the training of African lawyers ;
 - b. in appropriate cases, arrange for the publication of unpublished material in their Government archives relevant to the African legal systems;

It would be preferable that the programme of legal assistance to Africa proposed in this Recommendation should be discussed, at the appropriate stages, with the Ministers of Justice of the African States concerned; however, should it prove difficult or impossible to arrange for such consultations to take place, the programme should not be abandoned as a whole;

2. Should instruct the Council for Cultural Co-operation (or its appropriate committees) to examine the possibility of :
 - a. arranging for exchanges of African legal students training in Europe so as to permit those whose training is in French to acquire a knowledge of the English language and some knowledge of English law, and vice versa,

1. Assembly debate on 20th September 1962 (10th Sitting) (see [Doc. 1457](#), Report of the Legal Committee). Text adopted by the Assembly on 24th September 1962 (15th Sitting).



- b. arranging for the translation of books on African law and African legal texts of particular importance published in English, French, German or Italian into the English or French language (as the case may be) ;
 - c. granting financial assistance to non-governmental organisations working on technical assistance to Africa of a legal character ;
3. Should set up a Consultative Committee consisting of a limited number of competent persons having special experience and responsibilities relating to African legal problems, which would compare experiences and projects and co-ordinate activities in this field.

Summary of Conclusions

(Agreed to by a group of independent experts on 29th March 1962 : Mr. Sohier, Professor Allott, Professor Gower, Professor David, Mr. Guillot and Mr. Matteucci)

1. It would be useful that the Council of Europe should recommend to its member Governments to do all in their power to facilitate the training of African lawyers both in European countries and in Africa, by granting scholarships, by exchange of professors, and otherwise.
2. In particular, having regard to the fact that African legal students training in Europe are normally exclusively anglophone or francophone - which fact creates a barrier between those trained in the two legal systems - it would be of great value to arrange that they should be given an opportunity to acquire a knowledge of the other language and some knowledge of the other system of law.
3. Most important books on African law and African legal texts should be made available in the two languages in which African lawyers are principally trained (English and French). It would therefore be valuable to translate any books on African law and African legal texts of particular importance published in English, French, German or Italian into the English and French languages (as the case may be) in order to render them more generally accessible.
4. There undoubtedly exists in the Government archives of various European States important but unpublished material relevant to the African legal systems, particularly customary law. It would be useful to arrange for the publication of any such material of particular importance. Decisions on such publication could be taken by the Consultative Committee referred to in paragraph 5 below. It would also be useful to have a bilingual publication of the more important decisions of African courts.
5. It would be useful to set up a Consultative Committee consisting of a limited number of competent persons having special experience and responsibilities relating to African legal problems - to meet once or twice a year - in order to compare experience and projects and, if possible, co-ordinate activities in this field.
6. It would be of great value if the Council of Europe could support financially and otherwise non-governmental organisations working on technical assistance to Africa of a legal character.