



The Indian Society of International Law NEWSLETTER

VOL. 12, No. 4, October - December 2013

For members only

President

Dr. E. M. Sudarsana Natchiappan

Executive President

Lakshmi Jambholkar

Secretary General

Narinder Singh

Vice Presidents

A. K. Ganguli

M. Gandhi

B. C. Nirmal

Treasurer

V.G. Hegde

INSIDE

Recent Activities	2-3
Recent Developments in International Law	4-8
Current Issue of IJIL	8
Forthcoming Events	8

Published by:

The Indian Society of International Law

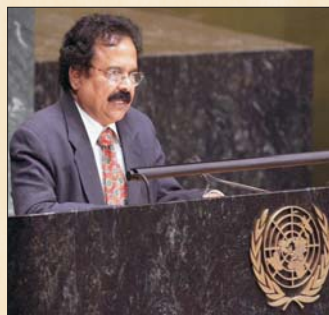
V.K. Krishna Menon Bhawan,
9, Bhagwan Das Road,
New Delhi - 110001 (INDIA)

Tel.: 23389524, 23384458-59 Fax: 23383783

E-mail: isil@iasdl01.vsnl.net.in

Website: www.isil-aca.org

Editorial



The WTO's ninth ministerial meeting during 3-7 December 2013 in Bali, Indonesia adopted a Declaration and five decisions on the WTO's regular work. The Bali Package is a selection of issues from the broader Doha Round negotiations. The elements of the Doha Round that were finalized at the WTO Ministerial in Bali are trade facilitation, agriculture and duty-free quota-free market access for the least developed countries (LDCs). However, the Bali declaration candidly admitted that there are no legally binding outcomes in the agriculture and development pillars of the package.

It is claimed that an agreement on trade facilitation (TF) will produce the most significant economic benefits for all WTO members. According to one report, the gains from an ambitious outcome on trade facilitation could increase global gross domestic product (GDP) by close to \$1 trillion annually with the majority of gains going to developing countries. The objectives are: to speed up customs procedures; make trade easier, faster and cheaper; provide clarity, efficiency and transparency; reduce bureaucracy and corruption, and use technological advances. It also has provisions on goods in transit, an issue particularly of interest to landlocked countries seeking to trade through ports in neighbouring countries. A transition period for developing countries for implementation of certain trade facilitation provisions is progressive outcome of Bali meeting. On the other hand, some believes that TF ensure market access in developing countries and LDC which eventually is more advantageous to developed countries.

Agreement on the agriculture part of the Bali Package temporarily & partially settled issue of food security. It is agreed to ensure public stockholding programmes for food security in developing countries, so that they would not be challenged legally even if a country's agreed limits for domestic support increased beyond the threshold. Thus members agreed to put in place an interim mechanism "Peace Clause" to last until a permanent solution, to extend to both the Agreement on Agriculture (AoA) and Agreement on Subsidies and Countervailing Measures (ASCM). In brief, the Peace clause gives legal security to member countries and protects them from being challenged under other WTO agreements.

The third leg of the Bali package was duty-free quota-free trade for least developed countries. Developed-country Members that do not yet provide duty-free and quota-free market access for at least 97% of products originating from LDCs, defined at the tariff line level, shall seek to improve their existing duty-free and quota-free coverage for such products, so as to provide increasingly greater market access to LDCs; Developing-country Members who declare themselves in a position to do so, shall seek to provide duty-free and quota-free market access for products originating from LDCs.

As highlighted by the Roberto Azevedo, Director General of the WTO, the Bali outcomes constitute an important stepping stone towards the completion of the Doha Round.

Dr. E. M. Sudarsana Natchiappan

RECENT ACTIVITIES

RECENT ACTIVITIES

STUDENT WORKSHOP ON RESEARCH IN INTERNATIONAL LAW

A Student Workshop on Research in International law was organized on 13 November 2013 at ISIL. 9 Sessions has been organized. The conference was inaugurated by Hon'ble Dr. E. M. S. Natchiappan, President, ISIL and Union Minister of State for Commerce and Industry. On this occasion, a Book written by Prof. Laurence Boisson de Chazournes, President of the European Society of International Law was released.

9 Sessions of the Workshop were conducted on various themes. More than 100 abstracts were received from India and abroad. More than 28 students from India and abroad presented their papers on various topics of International Law. 65 students participated in the workshop. Prof. V. S. Mani, President, Asian Society of International Law gave valedictory address. The Student Workshop was co-ordinated by Dr. Luther Rangreji, EC Member, ISIL and Associate Professor, SAU, New Delhi.

On the very day, Executive Council of



Asian Society of International Law was also held at ISIL.

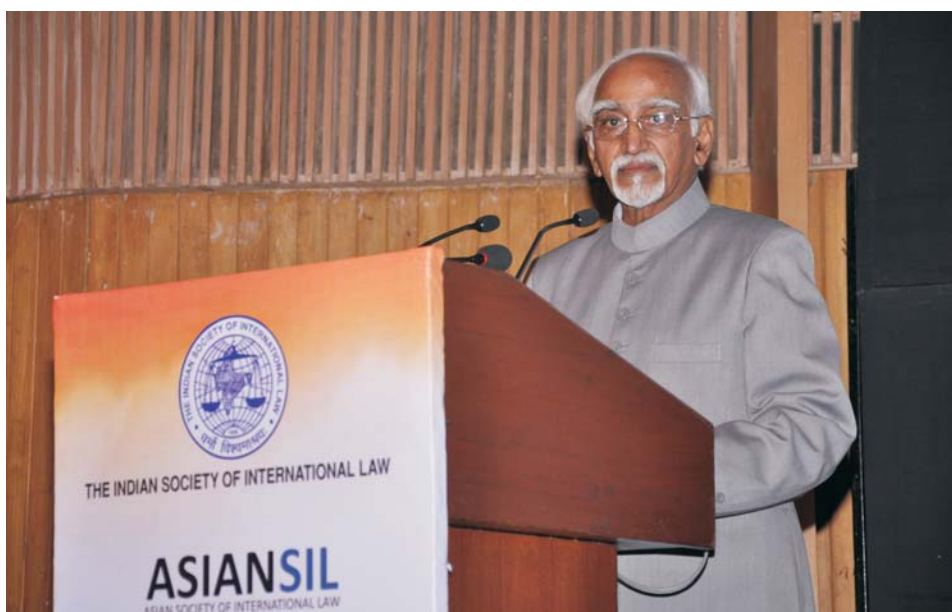
4TH BIENNIAL CONFERENCE OF THE ASIAN SOCIETY OF INTERNATIONAL LAW

The Indian Society of International Law (ISIL) and Asian Society of International Law (ASIL) jointly organized the 4th Biennial Conference of Asian Society of International Law on Asia and International Law in the Twenty First Century on 14-16 November 2014. The Conference was held at India Habitat

Centre, New Delhi. The Conference was inaugurated by the Hon'ble Vice President of India, Dr. M. Hamid Ansari. The inaugural session was also addressed by Hon'ble Ms. Justice Xue Hanquin, ICJ Judge & Past President, ASIL, Hon'ble Dr. E.M. Sudarsana Natchiappan, President, Indian Society of International Law and the Minister of State for Commerce and Industry, Government of India, Professor V.S. Mani, President, Asian Society of International Law and Mr. Narinder Singh, Secretary General, Indian Society of International Law, New Delhi.

In addition to inaugural and valedictory sessions, 27 technical Sessions on identified themes have been conducted. The Conference was attended by 349 delegates including 68 foreign delegates. Judges of the Supreme Court also spoke in the Conference.

More than 200 abstracts were received for the conference in which 80 abstracts were selected for the presentation in the Conference. Prof. Yogesh Tyagi, Dean, South Asia University, New Delhi and Prof. Shirley Scott, Associate Professor, UNSW, Australia were the co-chair of the Research and Planning Committee. Prof. Onuma Yasuaki, Meji University,



RECENT ACTIVITIES



Japan - Prof. Simon Chesterman, Secretary General, of Asian Society of International Law gave valedictory address. The Valedictory session was presided by Hon'ble Dr. Natchiappan, President of the ISIL. Shri R. K. P. Shankardass was the Co-ordinator of the Conference.

21 partners in various capacities sponsored the Conference.

INDUCTION LEVEL TRAINING PROGRAMME FOR THE GRADE IV OFFICERS OF THE INDIAN ECONOMIC SERVICE

An Induction Level Training Programme for Indian Economic Services on International and National Economic Law sponsored by the Ministry of Finance, Government of India has been conducted by the ISIL at its premises from 21 October - 25 October 2012. 16 IES Officers participated in the course. There were lectures and presentations on a variety of themes of international and national economic law. The faculty of the orientation course consisted of eminent international law scholars.

WINTER COURSE ON TRADE AND INVESTMENT LAW

The ISIL organized its Fourth Winter Course on Trade and Investment Law from 16 - 20 December 2013. The Course received a good response with 130 participants from all parts of the countries. The Winter Course was intended to provide in-depth understanding on investment law and highlight contemporary issues in the area to the participants. The Course witnessed lively interactions and discussion among the participants.

MONTHLY DISCUSSION FORUM

A monthly discussion on the Role of United Nations in Syria was held on 4 October 2013 at 5.00 pm. Prof. Christopher S. Raj, Professor, Centre for Canadian, US and Latin American Studies, SIS, JNU, New Delhi initiated discussion on topic.

A monthly discussion on Taking Stock of the UN Climate Change Conference 2013 at WARSAW was held on 6 December 2013. The discussion was initiated by Dr. Shiju M.V., Assistant Professor, TERI University, New Delhi and Dr. Anwar Sadat, Assistant Professor, ISIL, New Delhi.

SECRETARY GENERAL VISIT'S

A "Workshop on selected items before the ILC" jointly organized by the AALCO and National University of Malaysia (UKM), held

in Bargi, Selargor, Malaysia on the 29-30 of November 2013. In this Workshop, Secretary General, ISIL presented a paper on topic Immunity of State Official from Criminal Jurisdiction of Other States on 30 November 2013.

The Secretary General, ISIL presented a paper on International and Comparative Law at School of Law, SooChow University, Taiwan on 31 December 2013.

NEW EDITOR-IN-CHIEF OF INDIAN JOURNAL OF INTERNATIONAL LAW

Prof. B. S. Chimni has been appointed the Editor-in-Chief of IJIL. Presently, Prof. Chimni is Professor of International Law, Centre for International Legal Studies, Jawaharlal Nehru University, New Delhi. His areas of expertise include international law, international trade law and international refugee law. He had a two and a half year stint as Vice Chancellor of the West Bengal National University of Juridical Sciences. He has been a Visiting Professor at the International Center for Comparative Law and Politics, Tokyo University, a Fulbright Visiting Scholar at Harvard Law School, Visiting Fellow at Max Planck Institute for Comparative and Public International Law, Heidelberg, and a Visiting Scholar at the Refugee Studies Center, York University, Canada. He served as a member of the Academic Advisory Committee of the Office of the United Nations High Commissioner for Refugees for the period from 1996-2000. He is on the editorial board of several national and international journals like *International Studies*, *International Refugee Studies*, *Georgetown Immigration Law Journal & Refugee Survey Quarterly*. Prof. Chimni extensively wrote on various aspects of International Law in the leading journals.

RECENT DEVELOPMENTS

RECENT DEVELOPMENT ANNUAL UNITED NATIONS TREATY EVENT

Some 59 States took part in the annual United Nations Treaty Event which gives countries the opportunity to sign or become party to treaties on critical issues such as human rights, disarmament and the environment on the margins of the General Assembly's high-level debate. During the course of the event, which took place from 24 to 26 September and from 30 September to 1 October 2013, 59 States took 113 treaty actions. This year, much of the attention was focused on the Arms Trade Treaty, which was signed by 27 countries including the United States and ratified by three during the event, bringing the total number of signatures to 113 and the total number of parties to seven. Adopted in April 2013, the ATT needs 50 ratifications to enter into force.

The Convention on the Rights of the Child and its Optional Protocols were also under the spotlight, with Russia depositing his country's ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on the first day of the event. The Convention is a universally agreed set of non-negotiable standards and obligations, providing protection and support for the rights of children. The other two Optional Protocols deal, respectively, with prohibiting the recruitment of children in armed conflict, and allowing children to bring forward their complaints to the UN if their rights are being abused. The latter was signed by Benin, Côte d'Ivoire, Ghana, Guinea-Bissau and Seychelles, and ratified by Montenegro and Portugal.

The Convention on the Rights of Persons with Disabilities the first international agreement requiring Governments around the world to uphold the rights of children and adults with disabilities,

adopted in 2006 was ratified by Papua New Guinea and Venezuela, and signed by Bahamas and Guinea-Bissau.

In addition, the Protocol to Eliminate Illicit Trade in Tobacco Products received 11 signatures, pushing to 34 the number of signatories since its adoption in Seoul, Republic of Korea, in November 2012.

The 1996 Comprehensive Nuclear Test-Ban Treaty also collected two ratifications during the event, by Iraq and Guinea-Bissau, bringing the total number of parties to 161.

THE MINAMATA CONVENTION ON MERCURY

The Minamata Convention, named after a Japanese City, to curb the use of mercury opened for signature, on 9 October 2013 in Japan, marking a watershed moment in the effort to phase-out the toxic heavy metal in the many products and industries in which it is used. The Convention marks the culmination of four years of complex negotiations among over 140 member states, which were convened in Geneva by UNEP beginning in 2009 and resulted in a wide-ranging and legally binding text in January 2013. It provides controls and reductions of mercury in applications from medical equipment to energy-saving light bulbs to the mining, cement and coal-fired power sectors. Pinpointing populations at risk, boosting medical care and promoting better training of health care professionals in identification and treatment of mercury-related illness are also part of the agreement. Through the new treaty, governments have agreed on a range of mercury-containing products whose production, export and import will be banned by 2020. These include batteries (except for 'button cell' batteries used in implantable medical devices), as well as switches and relays, certain types of fluorescent lamps and soaps and cosmetics. The treaty will also target the artisanal and small-scale gold mining industries, where mercury is used to separate gold from the ore-bearing rock. In

addition, it will control emissions from large industrial facilities ranging from coal-fired power stations and industrial boilers to certain kinds of smelters handling, for example, zinc and gold. Initial funding to accelerate action as the new treaty comes into force - in the expected three to five years' time has been pledged by Japan, Norway and Switzerland. United States ratified the Minamata Convention, It has since been signed by 93 countries, and the US is the first country to ratify it. The Convention will come into force when 50 countries have ratified it.

ELECTION OF NON- PERMANENT MEMBER OF UN SECURITY COUNCIL

The United Nations General Assembly, on 17 October 2013, elected Chad, Chile, Lithuania, Nigeria and Saudi Arabia to serve as non-permanent members on the Security Council for two-year terms beginning on 1 January 2014. The five countries obtained the required two-thirds majority of those Member States present and voting in the 193-member Assembly. Elected in one round of secret balloting, they will replace Azerbaijan, Guatemala, Morocco, Pakistan and Togo, whose terms will conclude at the end of this year. Non-permanent members Argentina, Australia, Luxembourg, the Republic of Korea and Rwanda will remain on the Council until the end of 2014. Saudi Arabia shortly thereafter began to signal it would not accept the position. In a 12 November statement annexed to a letter from the Ambassador of Saudi Arabia to UN Secretary-General Ban Ki-moon, the Saudi Foreign Ministry formally confirmed that stance. In that statement, the Ministry apologized for its non-acceptance, explaining that the country could not serve on the Council until the body is reformed and enabled, effectively and practically, to carry out its duties and responsibilities in maintaining

RECENT DEVELOPMENTS

international peace and security. The Kingdom nevertheless reaffirmed its commitment to the UN and the goals of the Organization.

On 6 December 2013, UN General Assembly has elected Jordan as a non-permanent member of the Security Council to fill a seat that Saudi Arabia declined to accept. Jordan, endorsed by the African and Asian regional group, was elected to serve on the Council for two-years beginning on 1 January 2014.

ITLOS DECISION ON DISPUTE BETWEEN NETHERLANDS AND RUSSIA OVER GREENPEACE SHIP

The Netherlands, on 21 October 2013, submitted a request to the International Tribunal for the Law of the Sea (ITLOS) for provisional measures in a dispute with Russia over the recent arrest and detention of a ship used by Greenpeace International to stage a protest over oil drilling. According to the Netherlands, the Arctic Sunrise an icebreaker operated by the environmental group and which flies the flag of the Netherlands was boarded by coastguard officials on 19 September, brought to the port of Murmansk Oblast and detained. In addition, 30 crew members of various nationalities were arrested and detained in Murmansk Oblast and judicial proceedings have been initiated against them. The vessel was being used by Greenpeace to stage a protest against the offshore ice-resistant fixed platform 'Prirazlomnaya' in the Barents Sea. On 4 October 2013, the Netherlands instituted arbitral proceedings against Russia under the UN Convention on the Law of the Sea and claimed that the arrest and detention of the vessel and its crew by Russia took place in violation of the provisions of the treaty. Pending those proceedings, the Netherlands also requested the ITLOS to prescribe that Russia immediately enable the vessel to

be re-supplied, to leave its place of detention and the maritime areas under Russian jurisdiction and to exercise the freedom of navigation. Also asked the ITLOS to prescribe that Russia immediately release the crew members and allow them to leave Russian territory and maritime areas; suspend all judicial and administrative proceedings, and refrain from initiating any further proceedings, in connection with the incidents leading to the boarding and detention of the vessel, and refrain from taking or enforcing any judicial or administrative measures against the vessel, its crew members, its owners and its operators; and ensure that no other action is taken which might aggravate or extend the dispute.

By a vote of 19 to 2, the ITLOS, on 22 November 2013, ordered that, pending arbitration, Russia shall immediately release the vessel Arctic Sunrise and all persons who have been detained, upon the posting of a bond or other financial security by the Netherlands which shall be in the amount of 3,600,000 euros.

SURVEILLANCE A MAJOR CONCERN AT CONCLUSION OF IGF ON INTERNET GOVERNANCE

While reaffirming the need to strengthen the multi-stakeholder approach to Internet governance, the United Nations-backed forum on the issue, known as the Internet Governance Forum (IGF), concluded, on 25 October 2013 in Bali, Indonesia with an acknowledgement that surveillance is the major emerging issue of the year. Over four days, the IGF, set up to support Secretary-General Ban Ki-moon in carrying out the mandate of the 2005 World Summit on the Information Society in Tunis (WSIS), debated actions taken by Internet actors on a host of issues related to domain names, censorship, security and other issues. Referred to as the elephant in the room in the opening session, however, the issue of surveillance cast a long shadow over the discussions at the forum, an annual

meeting that drew more than 1,500 representatives of Governments, civil society, technical community and private sector from 111 countries, with hundreds more participating remotely. The four-day IGF 2013 meeting was capped by a closing ceremony that reaffirmed the participants' belief in maintaining and strengthening the multi-stakeholder approach to discussing governance on the Internet, as opposed to a Government-led multilateral approach. It also focused with a wider lens on emerging issues in Internet governance, beyond the surveillance issue. New cybersecurity threats and revelations of widespread Internet surveillance are two of emerging issues on the need for Internet governance discussions to feed into the broader processes for global agenda for sustainable development post-2015 and the WSIS +10 review.

ICJ RULES IN PREAH VIHEAR TEMPLE DISPUTE

The United Nations International Court of Justice (ICJ), on 11 November 2013 ruled that Cambodia has sovereignty over the whole territory of the Preah Vihear temple, and that Thailand is obligated to withdraw its military personnel from the area. Following Cambodia's independence, Thailand occupied the 900-year-old Hindu temple in 1954. The temple and its vicinity have long been a bone of contention between the neighbours and have in recent years led to deadly clashes between them. In April 2011, Cambodia requested the ICJ to interpret the 1962 Judgment, arguing that while Thailand recognizes Cambodia's sovereignty over the temple itself, it does not appear to recognize the sovereignty of Cambodia over the vicinity of the temple. ICJ also affirmed that the temple, which was inscribed in 2008 on the World Heritage List drawn up by the UN Educational, Scientific and Cultural Organization (UNESCO), is a site of religious and cultural significance for the

RECENT DEVELOPMENTS

peoples of the region. In this respect, the Court recalled that Cambodia and Thailand which are both parties to the World Heritage Convention must cooperate in the protection of the site as a world heritage. In addition, each State is under an obligation not to take any deliberate measures which might damage directly or indirectly such heritage.

GENERAL ASSEMBLY ELECTS 14 MEMBERS TO UN HUMAN RIGHTS COUNCIL

The General Assembly, on 12 November 2013, elected 14 countries to serve on the United Nations Human Rights Council (HRC) for a period of three years beginning on 1 January 2014. Algeria, China, Cuba, France, Maldives, Mexico, Morocco, Namibia, Saudi Arabia, South Africa, the former Yugoslav Republic of Macedonia, Viet Nam, Russia, and United Kingdom, were elected by secret ballot today at UN Headquarters in New York. Members of the Council serve for a period of three years and are not eligible for immediate re-election after serving two consecutive terms. The Council, composed of 47 members, is an inter-governmental body within the UN system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them.

The other members of the Council and the end of their terms are as follows: Argentina (2015), Austria (2014), Benin (2014), Botswana (2014), Brazil (2015), Burkina Faso (2014), Chile (2014), Congo (2014), Costa Rica (2014), Côte d'Ivoire (2015), Czech Republic (2014), Estonia (2015), Ethiopia (2015), Gabon (2015), Germany (2015), India (2014), Indonesia (2014), Ireland (2015), Italy (2014), Japan (2015), Kazakhstan (2015), Kenya (2015), Kuwait (2014), Montenegro (2015), Pakistan (2015), Peru (2014), Philippines (2014), Republic

of Korea (2015), Romania (2014), Sierra Leone (2015), United Arab Emirates (2015), United States (2015), and Venezuela (2015).

TRIALS OF KENYA'S PRESIDENT AT INTERNATIONAL CRIMINAL COURT (ICC)

A resolution before the United Nations Security Council on the deferral of the International Criminal Court (ICC) trials of Kenya's President and his deputy failed to pass when it was put to the vote on 15 November 2013. Seven of the Council's 15 members voted in favour of the draft resolution on the postponement of the trials of Kenyan President Uhuru Kenyatta and Deputy President William Ruto, while eight others abstained. Council resolutions need nine votes in favour and no vetoes by any of the five permanent members China, France, Russia, United Kingdom and United States to be approved. The text would have requested the ICC, which is based in The Hague, to delay for one year the trials of Mr. Kenyatta and Mr. Ruto, who are accused of crimes against humanity and other offences allegedly committed following general elections in late 2007.

UNFCCC AT WARSAW

The United Nations-led climate talks in Warsaw, Poland, concluded, on 23 November 2013, with an agreement that Secretary-General Ban Ki-moon called an important stepping stone towards a universal legal agreement in 2015. The deal hammered out ends two-weeks of talks between diplomats and environment experts representing more than 195 Parties to the UN Framework Convention on Climate Change (UNFCCC), the parent treaty of the 1997 Kyoto Protocol. For the first time, the talks, which are also known as the Conference of the Parties or COP-19, included participation from the private sector, with a UN-business forum held on its sidelines. The agreement lays the groundwork for a legally-binding treaty to be adopted in 2015, and enter into force by

2020, which would cut climate-altering greenhouse gas emissions. The Parties' decided to intensify immediate actions to fight climate change and to come forward with their national contributions to the agreement well before its finalization in 2015.

The talks were made all the more urgent by the devastation in Philippines from Typhoon Haiyan that killed thousands of people and affected 13.25 million overall just as participants were arriving in Poland.

Today's deal comes one year before the 2014 Climate Summit that Mr. Ban said he would convene in New York in September during the General Assembly. Mr. Ban has asked world leaders, as well as leaders from business, finance, local government and civil society, to bring bold announcements and actions that will lead to significantly reduced greenhouse gas emissions and strengthened adaptation and resilience efforts, his spokesperson said in reference to the 2014 summit. Much more needs to be done over the coming two years to achieve the ambitious agreement necessary to keep the global temperature rise below two degrees Celsius, the spokesperson said in the statement.

GENERAL ASSEMBLY ADOPTS CONSENSUS TEXT BACKING RIGHT TO PRIVACY IN DIGITAL AGE

Deeply concerned that electronic surveillance, interception of digital communications and collection of personal data may negatively impact human rights, the United Nations General Assembly, on 19 December 2013, has adopted a consensus resolution strongly backing the right to privacy, calling on all countries to take measures to end activities that violate this fundamental tenet of a democratic society. By a text entitled Right to privacy in the digital age, the Assembly weighed in on the

RECENT DEVELOPMENTS

emerging issue, underscoring that the right to privacy is a human right and affirming, for the first time, that the same rights people have offline must also be protected online. It called on States to respect and protect the right to privacy, including in the context of digital communication. The measure, crafted by Brazil and Germany, was among the more than 65 texts recommended by the Assembly's Third Committee (Social, Humanitarian and Cultural) yesterday on a range of issues relating mainly to human rights, social development and crime prevention. Noting that while concerns about public security may justify the gathering and protection of certain sensitive information, the text states that governments must ensure full compliance with their obligations under international human rights law. It calls on States to establish or maintain existing independent, effective domestic oversight capable of ensuring transparency, as appropriate, and accountability for surveillance and/or interception of communications and the collection of personal data. The resolution also requests the UN High Commissioner for Human Rights, Navi Pillay, to submit a report on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or interception of digital communications and the collection of personal data, including on a mass scale, to the Human Rights Council at its 27th session and to the Assembly at its 69th session.

PERTH COMMUNIQUÉ-13TH MEETING OF THE COUNCIL OF MINISTERS OF THE INDIAN OCEAN RIM ASSOCIATION

The Ministers of the Member States of the Indian Ocean Rim Association (IORA) met in Perth, Australia, for the 13th Meeting of the Council of Ministers on 1 November 2013. On the very meeting, the adoption of IORA as the

new name for the organisation, known formerly as the Indian Ocean Rim Association for Regional Cooperation (IORARC) was carried out. This was as an important step signifying a renewed effort to resolve and strengthen this Association and its work. This discussion followed productive meetings of the Committee of Senior Officials, Working Group on Trade and Investment, IOR Business Forum and IOR Academic Group.

IORA is the lead body for promoting regional collaboration across the Indian Ocean Rim. It will take forward IORA's role in addressing the development, security, resource and environmental challenges that face this region through policy-oriented consideration of opportunities and risks and high-quality projects in the six priority areas identified in the Bengaluru meeting in 2011.

It is agreed among the members to broaden and deepen efforts through IORA to bolster maritime security and safety, particularly in light of continued threats to maritime commerce, and freedom of the high seas, consistent with the UN Convention on the Law of the Seas (UNCLOS); as well as on the safety of sea farers. It was also agreed to the upcoming Indian Ocean Dialogue in India to explore, inter-alia, concrete options to enhance counter-piracy cooperation, including through improved maritime information-sharing arrangements and stronger national legal capacity and laws.

It is also agreed to work through the Indian Ocean Memorandum of Understanding on Port State Control to develop stronger port state control measures in IORA Member States in order to enhance the safety of shipping across the Indian Ocean.

The members agreed to support work to address needs in fisheries management and aquaculture and artisanal fishing, and underscore the need to combat illegal fishing. It was reaffirmed the peaceful, productive and sustainable use of the ocean and its resources, as outlined in our

'Perth Principles' Declaration, and aim for IORA to do more in this field.

The second International Indian Ocean Expedition (IIOE-2), planned for 2015 on the 50th anniversary of the original expedition, will be a unique opportunity for regional collaboration in research, training and capacity-building. The meeting adopted a Declaration of the Indian Ocean Rim Association on the principles for peaceful, productive and sustainable use of the Indian Ocean and its resources (Perth Principles).

The Foreign Ministers of the Member States of the Indian Ocean Rim Association (IORA), Australia, Bangladesh, Comoros, India, Indonesia, Iran, Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Oman, Seychelles, Singapore, South Africa, Sri Lanka, Tanzania, Thailand, United Arab Emirates and Yemen, on the occasion of the thirteenth Council of Ministers' Meeting (COMM) reiterated that IORA is the apex pan-regional organisation for the Indian Ocean. It was recalled that the six priority areas of cooperation agreed at the eleventh COMM in Bengaluru, namely: Maritime Safety and Security; Trade and Investment Facilitation; Fisheries Management; Disaster Risk Management; Academic and Science and Technology Cooperation; and Tourism and Cultural Exchanges.

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE STATE OF KUWAIT ON THE TRANSFER OF SENTENCED PERSONS

At the invitation of Dr. Manmohan Singh, Prime Minister of the Republic of India, His Highness Sheikh Jaber Al-Mubarak Al-Hamad Al-Sabah, Prime Minister of the State of Kuwait paid a State visit to India from 7-10 November 2013. His Highness Prime Minister Sheikh Jaber was accompanied by a high-level

RECENT DEVELOPMENTS/NEW ACQUISITION IN ISIL LIBRARY

delegation comprising Ministers, senior officials and business leaders. During his official engagements in New Delhi, Prime Minister Sheikh Jaber held detailed bilateral consultations with Prime Minister Dr. Manmohan Singh.

The two sides noted with happiness the signing of an agreement on the transfer of sentenced persons from each others' country so that they can undergo their remaining sentences in their respective home countries. Both sides will strive for early ratification and implementation. The Agreement aims to enable the transfer of sentenced persons of both the countries to serve their remaining sentences of imprisonment or any other form of punishment in their own country. The agreement was signed by Shri Sushil Kumar Shinde, Minister of Home Affairs and HE Sabah Khaled Al-Hamad Al-Sabah, Deputy Prime Minister and Minister of Foreign Affairs.

LITHUANIA WITHDRAWS "WRITTEN FORM" DECLARATION UNDER THE UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF

GOODS (CISG)

On 1 November, Lithuania deposited an instrument with the Secretary-General of the United Nations withdrawing its "written form" declaration under the United Nations Convention on Contracts for the International Sale of Goods (CISG). With this action, Lithuania joins the vast majority of CISG States Parties that do not require the written form for contracts for the international sale of goods. Lithuania's action will take effect on 1 June 2014. Under the CISG, contracts for the international sale of goods do not need to be concluded in writing in order to be valid unless a State deposits a specific declaration to that effect. By withdrawing the declaration it made upon accession to the CISG in 1995, Lithuania now accepts the provisions allowing freedom of contractual form. Lithuania's action is part of a current trend for States to reconsider declarations made upon signing or acceding to the CISG. Withdrawal of these declarations increases the level of legal uniformity in the scope of application of the convention. The CISG currently has 80 State Parties.

FORTHCOMING EVENTS

Special Lecture by Prof. Mark Perry, Professor, University of New England, Australia, 3 February 2014

Special Lecture by Greg Tereposky, Borden Ladner Gervais LLP, 13 February 2014

Two Days International Conference on International Law and Intellectual Property Rights Laws, Jointly Organized by the ISIL and Faculty of Law, University of Delhi, Delhi, 22-23 March 2013

43rd Annual Conference, 11-12 April 2014

Summer Course on International Law, 26 May to 6 June 2014

V. K. Krishna Menon Lecture, June 2014

Convocation and Inauguration of the P. G. Diploma Courses, 1 September 2014

Indian Journal of International Law Vol. 53 No. 3 July - September 2013

CONTENTS

ARTICLES

International Law and the Use of Force:
What Happens In Practice?

Michael Wood

ASEAN Treaty on MLA and Applicability of
CRC Convention in Indonesia and
Malaysia

Antonius Prijadi Soesilo Wibowo

Piracy Jure Gentium: The Challenge of
Enforcement

Syed Ashfaq Hussain

India and the Protocols Additional to the
Geneva Conventions 1949

Srinivas Burra

SHORTER ARTICLES & CURRENT DEVELOPMENT

Is There A Role for Justice in the Security
Council? A Short Discussion of Two
Influential Views on Justice in Western and
Eastern Philosophical Thinking and their
Concrete Application to the Security
Council

Katariina Simonen

OFFICIAL DOCUMENTS

Intergovernmental Agreement on Dry
Ports, 2013

The National Food Security Act, 2013

BOOK REVIEW

SELECT ARTICLE AND NEW ACQUISITIONS