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For members only

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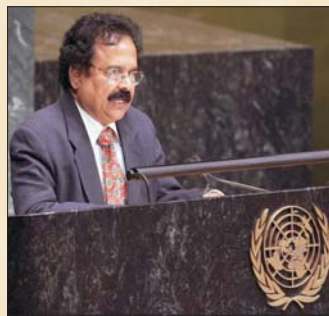
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Editorial



On 21 January 2014, the Indian Supreme Court in *Shatrughan Chauhan & Anr {Petitioners} v. Union of India & Ors {Respondent(s)}* commuted the death sentences of 13 individuals after finding that there had been an “unexplained and unreasonable delay” by the authorities in deciding on their petitions for mercy. Two other individuals had their death sentences commuted to life on the ground of mental illness. This judgment reaffirms the value of human rights and respect for human life, as enshrined in the Indian Constitution. The Supreme Court also ruled that all death row prisoners should have regular mental health checks and

appropriate medical care be given to those in need. Other general guidelines by the Supreme Court on the treatment of persons on death row include: solitary confinement during the period awaiting a decision on the mercy petition is unconstitutional; persons sentenced to death are entitled to legal aid, including for filing mercy petitions; a notice of at least 14 days must be given prior to execution; a final meeting between the prisoner and their family and friends should be facilitated.

The power to consider mercy petition are vested in the President under Article 72 and the Governor under Article 161 of the Constitution. The power of pardon is essentially an executive action, which needs to be exercised in the aid of justice and not in defiance of it. “Further, it is well settled that the power under Article 72/161 of the Constitution of India is to be exercised on the aid and advice of the Council of Ministers.”

Although the mercy petition based on human rights and constitutional rights is well established and incorporated in the Indian legal system, there is tremendous amount of discussion in the media/seminars to expedite it to bring it more in consonance with modern characteristic of the international legal system. International Institutions are increasingly emphasizing “If the death penalty is to be used at all, international law clearly requires that it must follow a trial that meets the highest standards of fairness and due process guarantees”.

A series of decisions of the Supreme Court of India in last one year made various observations on mercy petition. On issue of considering the supervening circumstances for commutation of death sentence to life imprisonment, the Supreme Court in a *Navneet Kaur v. State of NCT of Delhi and Anothers* overturned an earlier judgment which drew a distinction between an offence under Indian Panel Code, 1860 and Terrorist and Disruptive Activities (Prevention) Act i.e., murders related to terrorism and others.

The Court also observed “Retribution has no constitutional value in the largest (democracy). In India, even an accused has de facto protection under the Constitution and it is the court's duty to shield and protect the same.” Therefore, when the judiciary interferes in such matters, it does not really interfere with the power exercised under Article 72/161 but only to uphold the de facto protection provided by the Constitution to every convict including death convicts.

The Court also observed that a series of Constitution Benches of this Court have upheld the Constitutional validity of the death sentence in India over the span of decades but these judgments in no way take away the duty to follow the due procedure established by law in the execution of sentence. Importantly the Supreme Court in *Bachan Singh case (1980)* laid down that the death penalty can be awarded in rarest of rare case and any court which awarded the death penalty must give reason for the same.

Dr. E. M. Sudarsana Natchiappan

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SPECIAL LECTURE ON BIOTECHNOLOGY REGULATION AND THE PRODUCTION OF FOOD BY PROF. MARK PERRY, SCHOOL OF LAW, UNIVERSITY OF NEW ENGLAND

ISIL organized a Special Lecture on "Biotechnology Regulation and the Production of Food" on 3 February 2014. The lecture was delivered by Prof. Mark Perry, School of Law, University of New England. Shri Narinder Singh, Secretary General, ISIL welcomed the speaker and also gave the vote of thanks. India's stand on the subject remained the focus of interaction. The lecture witnessed lively interactions and discussion by the participants.

SPECIAL LECTURE ON INTERACTION BETWEEN INTERNATIONAL INVESTMENT ARBITRATION AND WTO LAW BY MR. GREG TEREPOSKY LLP, PARTNER AND MEMBER OF BLG'S INTERNATIONAL TRADE AND ARBITRATION GROUP

A Special lecture on "Interaction between International Investment Arbitration and WTO Law" was organized by the ISIL on 13 February 2014. The lecture was delivered by Mr. Greg Tereposky LLP, Partner and Member of BLG's International Trade and Arbitration Group on 13 February 2014. Shri Narinder Singh, Secretary General, ISIL welcomed the speaker and Dr. V. G. Hegde gave the vote of thanks. The lecture witnessed lively interactions and discussion by the participants.

MONTHLY DISCUSSION FORUM

A monthly discussion on "WTO Ministerial Conference at Bali with Special Reference to India" was held on 3 January 2014. Dr. Prabhas Ranjan, Assistant Professor, SAU, New Delhi initiated discussion on topic.

A monthly discussion on "Death Penalty in the Context of International Human Rights Norms" was held on 7 March 2014. Shri Anup Surendranath, National Law University, Dwarka, New Delhi initiated discussion on the topic.

INTERNATIONAL CONFERENCE ON INTERNATIONAL LAW AND



INTELLECTUAL PROPERTY LAW JOINTLY ORGANIZED WITH DELHI UNIVERSITY, DELHI

The Indian Society of International Law (ISIL) and the Faculty of Law, University of Delhi, Delhi jointly organized the International Conference on "International Law and Intellectual Property Law" on 22-23 March 2014 at the ISIL premises.

In addition to inaugural and valedictory sessions, 5 technical Sessions and two parallel sessions on identified themes have been conducted. The Conference was attended by 220 delegates including 7 foreign delegates.

More than 200 abstracts were received for the conference in which 30 abstracts were selected for the presentation in the Conference. The Conference was inaugurated by Dr. E. M. S. Natchiappan, Union Minister of State for Commerce and Industry, Government of India. Prof. Ashwini Kumar Bansal, Dean, Faculty of Law, Delhi University, gave keynote address. Prof. J.L. Kaul, Vice Chancellor, Vikram University, Ujjain and Professor Maria Frabboni, University of Sussex Law School, UK

also addressed to the participants in the inaugural session. Dr. Rahmat Mohamad, Secretary General from Asian-African Legal Consultative Organisation (AALCO), Prof. Nekima Levy Pounds, University of St. Thomas Law School, Minneapolis, USA, Mr Feng Qinghu, Deputy Sec General, Asian African Legal Consultative Organisation (AALCO), Shri Hemant Singh, I P attorney, Shri Amarjit Singh Monga, I P attorney, Delhi, Justice Shri S. Ravindra Bhat Judge Delhi High Court, Shri Hari Subramaniam, I P attorney, Shri Pravin Anand, I P attorney, Delhi, Ms. Pratibha Singh, I P attorney, Delhi, Dr. VL Mony and Shri G. R. Ragvendra, Registrar, Copyrights Division, MHRD. On 22 and 23 March 2014, two parallel sessions were conducted to have discussion on 30 selected papers of participants. Shri Ranjiv Dalal, Director, HIPA gave valedictory address.



VISIT OF STUDENTS

A delegation of 60 students and their Principal Dr. Kavita Lalchandani H. S. N. C. Board's G J Advani Law College visited ISIL



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on 19 February 2014 and another delegation of 40 students from MMH Law College, Gaziabad with their Principal and teachers visited ISIL on 30 February 2014. Shri Narinder Singh, Secretary General, ISIL and Prof. Lakshmi Jambholkar, Executive President, ISIL spoke to the students and described the activities of ISIL to the visitors and also discussed the importance of international law and career prospect in this area. On these occasions ISIL teaching staffs also addressed the students.

RECENT DEVELOPMENTS OPTIONAL PROTOCOL OF THE CONVENTION ON THE RIGHTS OF CHILDREN

A new legal instrument allowing children or their representatives to file a complaint with the United Nations Committee on the Rights of the Child is set to go into effect in April 2014, following its final required ratification made on 14 January 2014 by Costa Rica. Costa Rica became the tenth country to ratify the Optional Protocol to the Convention on the Rights of the child on a Communications Procedure. The Optional Protocol gives children who have exhausted all legal avenues in their own countries the possibility of applying to the Committee to address the specific violation related to the Convention on the Rights of Children (CRC).

INTELLECTUAL PROPERTY APPLICATIONS BROKE RECORDS IN 2013, WIPO REPORTS

The United States and China drove

international patent filings to a record level last year with applications for the first time surpassing the 200,000 mark, the United Nations WIPO, on 13 March 2014 reported, with record highs also reached for trademark and design applications.

The US accounted for 56 per cent of patent filings, with Chinese applicants filing 29 per cent of the 205,300 applications for intellectual property under the Patent Cooperation Treaty (PCT) System. Under this system, applicants can simultaneously seek protection for an invention in 148 countries throughout the world by filing one international application. According to WIPO, the overall 2013 figure represents a 5.1 per cent growth in applications compared with 194,400 the previous year, when figures still trailed growth seen prior to the global financial crisis in 2007.

The Madrid System, which registers trademarks, saw a 6.4 per cent rise in applications to 46,829 in 2013, the highest number ever recorded. Germany filed 6,822 applications, followed by the US with 6,043 and France with 4,239 in 2013. The Swiss pharmaceutical company, Novartis, heads the list of top applicants, with 228 applications. International industrial design applications filed under the Hague System increased to 2,990 filings in 2013, also another record, representing growth of 14.8 per cent. Switzerland, with 662 applications, overtook Germany, with 643 applications, as the largest user of the system. Swatch AG of Switzerland, with 113 applications, continued to be the largest individual filer.

In line with growing investments in research

and development, the automobile industry has seen a sharp increase in international patent filings over the last three years, WIPO reported.

UN ORGANS ON CRIMEA REFERENDUM

Owing to the negative vote of one of its permanent members, the United Nations Security Council, on 15 March 2014, failed to adopt a draft resolution which urged countries not to recognize the results of this weekend's referendum in Crimea. Thirteen of the Council's 15 members voted in favour of the draft text, Russia voted against, and China abstained. A veto by any of the Council's five permanent members – China, France, Russia, the United Kingdom and the United States – means a resolution cannot be adopted. The resolution would have reaffirmed Ukraine's "sovereignty, independence, unity and territorial integrity" and declared that Sunday's referendum which could lead to Crimea's break with Ukraine and union with Russia, "can have no validity".

Speaking ahead of the vote, Russian Permanent Representative to the UN, Vitaly Churkin, said it was "no secret" that Russia was planning to vote against the draft. He added that Moscow would respect the decision of the Crimeans but could not accept the basic assumption of the draft resolution which aimed "to declare illegal the planned March 16, 2014 referendum where residents of the Republic of Crimea should decide on their future". Liu Jieyi, Permanent Representative of China to the UN, said after the vote that Beijing sought a "balanced" solution to the conflict within a framework of law and order. He called for the creation of a coordination group, a support package for Ukraine, and also called on countries to refrain from action which could further escalate the conflict.

Deep disappointment and incredulity was expressed by several Council members, who noted that this was the seventh time the body was convening to discuss the situation in Ukraine. United States Permanent Representative Samantha Power, whose country sponsored the resolution, said the text was aimed at finding a principled and peaceful solution, and upheld UN principles on the sovereignty of its Member States. Russia has the power to veto a Security Council resolution, "but it does not have the power to veto the truth," she said. United

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Kingdom's Mark Lyall Grant said the result of today's vote highlighted Russia's isolation over Crimea within the Council and from the international community. Meanwhile, Gérard Araud of France quipped that Russia "vetoed the UN Charter" with its "no" vote. Secretary-General Ban Ki-moon has said that "emotions have been hardened" over the forthcoming referendum.

However, in a vote that reaffirmed Ukraine's unity and territorial integrity, the United Nations General Assembly, on 27 March 2014, adopted a measure underscoring that the mid-March referendum in Crimea that led to the peninsula's annexation by Russia "has no validity" and that the parties should "pursue immediately a peaceful resolution of the situation." By a vote of 100 in favour to 11 against, with 58 abstentions, the 193-member Assembly called on all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the 16 March 2014 referendum "and to refrain from any action or dealing that might be interpreted as recognizing any such altered status."

Subsequently, Crimea declared its independence, which in turn was recognized by Russia. In the immediate aftermath of those events, President Vladimir Putin signed a treaty to make Crimea part of Russia, while the Government in Kiev committed to never accept Crimea's independence or annexation.

The non-binding text adopted by the General Assembly, on 27 March 2014 contained similar language, underscoring that the referendum held in Crimea has no validity and cannot form the basis for any alteration of the status of Crimea or of the city of Sevastopol. It calls on all States to "desist and refrain" from actions aimed at the partial or total disruption of Ukraine's national unity and territorial integrity, "including any attempts to modify Ukraine's borders through the threat or use of force or other unlawful means."

Finally, the Assembly resolution makes explicit reference to the primacy of the UN Charter's call for the preservation of the unity and territorial integrity of all UN Member States, and also recalls the 1994 Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, the 1997 Treaty on Friendship,

Cooperation and Partnership between Ukraine and Russian, and other bilateral agreements between Ukraine and Russia.

UN HUMAN RIGHTS COUNCIL APPROVES INQUIRY INTO ALLEGED ABUSES IN SRI LANKA WAR

The United Nations Human Rights Council (HRC), on 27 March 2014, voted to open an international inquiry into alleged war crimes committed by both the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) in the final stages of a decades-long conflict that ended in 2009. Adopted by a vote of 23 in favour to 12 against with 12 abstentions, the HRC requested the Office of the UN High Commissioner for Human Rights (OHCHR) to undertake a "comprehensive investigation" into alleged serious violations and abuses of human rights and related crimes by both parties, and to establish the facts and circumstances of such alleged violations "with a view to avoiding impunity and ensuring accountability."

The Sri Lankan Government declared victory over the rebel LTTE in May 2009, after a conflict that had raged on and off for nearly three decades and killed thousands of people. The final months of the conflict had generated concerns about alleged violations of international human rights and humanitarian law. By its action on 27 March 2014, the HRC reiterated its call on the Government to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission. It also called on the Government to release publicly the results of its investigations into alleged violations by security forces, including the attack on unarmed protesters in Weliveriya in August 2013, and the report of 2013, by the court of inquiry of the Sri Lanka Army.

In her address to the HRC, High Commissioner for Human Rights Navi Pillay stressed the need to ensure justice and accountability, including through the establishment of an independent and credible investigation, saying: "This is essential to advance the right to truth for all in Sri Lanka and create further opportunities for justice, accountability and redress."

The HRC has in the past called on the Sri Lankan Government to take credible steps to ensure accountability for alleged serious violations committed during the final months of the conflict.

ICJ RULES AGAINST JAPAN'S WHALING ACTIVITIES IN THE

ANTARCTIC

On 31 March 2014, the United Nations International Court of Justice (ICJ) has ruled against Japan in a case involving charges by Australia that the country was using a scientific research programme to mask a commercial whaling venture in the Antarctic. The ICJ ordered a temporary halt to the activities, largely involving fin, humpback and minke whales, finding that the Japanese Whaling Research Programme under Special Permit in the Antarctic (JARPA II) is "not in accordance with three provisions of the Schedule to the International Convention for the Regulation of Whaling (ICRW)." In May 2010, Australia instituted proceedings alleging that Japan was pursuing a large scale programme of whaling under JARPA II, and was in breach of its ICRW obligations, as well as its other international obligations for the preservation of marine mammals and the marine environment.

In its application, Australia requested that the ICJ order Japan to "end the research programme, revoke any authorizations, permits or licences allowing the programme's activities; and provide assurances and guarantees that it will not take any further action under the JARPA II or 'any similar programme until such programme has been brought into conformity with its obligations under international law."

Though Japan rejected the charges and countered that its scientific research programme was in line with treaty obligations, 12 of the 16 ICJ Judges found that the country was in violation of three ICRW Schedule provisions and, following Australia's request, ordered that the country "revoke any extant authorization, permit or license to kill, take or treat whales in relation to JARPA II, and refrain from granting any further permits" for that programme.

The Court noted that there are three additional aspects of JARPA II which "cast further doubt" on its characterization as a scientific research programme: the open-ended time frame of the programme; its limited scientific output to date; and the lack of cooperation between JARPA II and other domestic and international research programmes in the Antarctic Ocean.

"Even if a whaling programme involves scientific research, the killing, taking and treating of whales pursuant to such a programme does not fall within Article VIII unless these activities are 'for purposes of

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scientific research," explained the ICJ in a press release on 31 March 2014, adding that it found no evidence of such purpose in JARPA II.

INDIAN TREATIES DATABASE: LEGAL & TREATIES DIVISION, MEA, GOVERNMENT OF INDIA

Legal & Treaties Division, Ministry of External Affairs, Government of India created a Database on its website <http://www.mea.gov.in/treaty.htm>. The Database provides an accessible and searchable link or series of links to the Treaties/Agreements/MoUs etc. which have been entered into by the Government of the Republic of India with Foreign Countries. As a beginning, the database provides Treaties/Agreements/MoUs from 1983 onwards, more documents covering years before 1983, would be made accessible in due course.

SIGNING OF PROTOCOL ON MUTUAL LEGAL ASSISTANCE TREATY IN CRIMINAL MATTERS EXCHANGE OF INSTRUMENT OF RATIFICATION

Protocol on MLA in Criminal Matters was signed on 14 February 2014 between Kyrgyz Republic and Republic of India.

CONGO RATIFIED THE UN CONVENTION ON CONTRACTS FOR THE INTERNATIONAL CARRIAGE OF GOODS WHOLLY OR PARTLY BY SEA AND ALSO ACCEDED TO THE UN CONVENTION ON THE USE OF ELECTRONIC COMMUNICATIONS IN INTERNATIONAL CONTRACTS

On 17 March 2014, Congo ratified the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, known as the Rotterdam Rules became the third State Party to the Convention. The Rotterdam Rules have been signed by 25 States and were ratified by the Republic of Congo, Spain and Togo. The Rules will enter into force on the first day of the month following the expiration of one year after the date of deposit of the twentieth instrument of ratification or accession.

The Republic of Congo made accession to the United Nations Convention on the Use of Electronic Communications in International Contracts (the Electronic Communications

Convention), became the fifth State Party to the Convention. The Convention will enter into force for the Republic of Congo on 1 August 2014. The adoption of the Electronic Communications Convention removes any doubt about the acceptability of using electronic communications to satisfy written form requirements arising under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (the "New York Convention") and the United Nations Convention on Contracts for the International Sale of Goods, 1980 ("CISG").

The Dominican Republic, Honduras, the Republic of Congo, the Russian Federation and Singapore are States parties to the Electronic Communications Convention. Fifteen other States have signed the Convention, but not yet ratified it, and several other States, including Australia, have started the procedure for becoming a party. The Convention is open indefinitely for accession and ratification.

ADOPTING 21 SIXTH COMMITTEE RESOLUTIONS, GENERAL ASSEMBLY HIGHLIGHTS SIGNIFICANT ACHIEVEMENTS IN DEVELOPMENT OF INTERNATIONAL LAW

Underscoring the substantive work of the Sixth Committee (Legal) in year 2013 on the advancement of international law, the General Assembly stressed, through the adoption of 21 resolutions, 3 decisions and 2 procedural items in 23 reports, on 16 December 2013, the crucial role of international law in maintaining peace and security. Those reports reflected the wide range of issues debated by the Sixth Committee during its sixty-eighth session, including combating international terrorism, the law of transboundary aquifers, and universal jurisdiction, as well as new topics addressing environmental issues. Delegations had, in those resolutions, highlighted significant achievements in the development of international law, noting the finalization of major texts addressing commerce, trade and treaties. However, as in past years, the Committee underscored the critical financial situation of the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

The finalization and adoption of the Rules on Transparency in Treaty-based Investor State Arbitration had been acknowledged in the report of the United Nations Commission on International Trade Law (UNCITRAL), which contained four resolutions on the work of that

body. The texts had also urged the Secretary-General to publish, including electronically, the Guide to Enactment of the UNCITRAL Model Law on Cross-Border Insolvency, part four of the UNCITRAL Legislative Guide on Insolvency Law and the UNCITRAL Guide on the Implementation of a Security Rights Registry to Governments and interested bodies.

Reflecting the Sixth Committee's trademark consensus, the Assembly also had acknowledged the growing number of decisions by international courts, tribunals and other bodies that referred to the draft articles on responsibility of States for internationally wrongful acts, a topic in which the International Law Commission had focused on for 40 years. Noting those articles' contribution to the development of international law, the Assembly had urged both the Secretary-General to update the compilation of such decisions and invited Governments to submit information on their practice in that regard.

A highlight of the Sixth Committee's session had been the successful completion of the International Law Commission's Guide to Practice on Reservations to Treaties, which had taken almost two decades to complete. The Assembly, unanimously adopting resolutions on the Commission's work, then encouraged the widest-possible dissemination that Guide.

However, while the resolution on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law had been similar to texts on the matter adopted in past years, the Sixth Committee took into account the serious financial situation that threatened the continuation of the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law.

The need for more reliable funding, in particular for the Regional Courses and the Audiovisual Library, of Programme activities which contributed immensely to the development of international law had become critical. Therefore, the Assembly authorized the provision of financing from the regular budget and, when necessary, by voluntary contributions. It also reiterated its request to the Secretary-General to provide the necessary resources to the Programme budget for the biennium 2014-2015 in order to ensure its continued effectiveness and

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further development.

The General Assembly met to consider the 23 reports of the Sixth Committee (Legal) and to take action on 26 draft resolutions and procedural items, contained therein.

Action on Texts

Sixth Committee Rapporteur TOFIG MUSAYEV (Azerbaijan) introduced the reports, noting that the agenda items allocated to the Committee, with the exception of the election of officers, represented the Organization's priorities in the legal sphere, including the promotion of justice and international law; drug control, crime prevention and combating international terrorism in all its forms and manifestations; and organizational matters and administration. He told the Assembly that there would be no report in respect of agenda item 5, "Election of officers of the Main Committees". Consistent with previous practice, elections for the Sixth Committee's sixty-ninth session would be taken up at a later stage in the course of the current session.

First, taking up the report, Responsibility of States for internationally wrongful acts (document A/68/460), the Assembly adopted the resolution contained therein without a vote. By the text, the Assembly acknowledged that a growing number of decisions by international courts, tribunals and other bodies referred to the draft articles on responsibility of States for internationally wrongful acts. It requested the Secretary-General to update the compilation of such decisions and invite Governments to submit information on their practice in that regard.

The Assembly next turned to the report, Criminal accountability of United Nations officials and experts on mission (document A/68/461), adopting the resolution contained therein without a vote. By that text, the Assembly strongly urged States to take measures ensuring that officials committing such crimes would be brought to justice. Likewise, it requested the Secretary-General to bring credible allegations of such crimes to the attention of those nationals' States, and to request that those States provide the status of their investigative or prosecution efforts.

The Assembly next addressed the Report of the United Nations Commission on International Trade Law (UNCITRAL) on the work of its forty-sixth session (document A/68/462), which contained four resolutions,

all of which were adopted without vote. By resolution I, an omnibus of the report, the Assembly, among other provisions, commended the Commission for the finalization and adoption of its Rules on Transparency in Treaty-based Investor State Arbitration and welcomed the activities of the UNCITRAL Regional Centre for Asia and the Pacific in the Republic of Korea.

In resolution II, on revision of the Guide to Enactment of the UNCITRAL Model Law on Cross-Border Insolvency and part four of the UNCITRAL Legislative Guide on Insolvency Law, the Assembly requested the Secretary-General to publish, including electronically, those documents and transmit them to Governments and interested bodies. It also recommended that States consider implementing the Model Law, and utilizing the Guide to assess the economic efficiency of their insolvency law regimes.

Resolution III, on the UNCITRAL Guide on the Implementation of a Security Rights Registry, had the Assembly request the Secretary-General to publish the Guide, including through electronic means, and to disseminate it broadly to Governments and other bodies, including national and international financial institutions and chambers of commerce. The Secretary-General should also recommend that all States give favourable consideration to the Guide when revising relevant legislation, administrative regulations or guidelines.

In resolution IV, United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (as revised in 2010, with new article 1, paragraph 4, as adopted in 2013), the Assembly, among other things, invited Member States, which had included the rules in their treaties, to inform UNCITRAL accordingly.

The Assembly next took up the report, United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (document A/68/463), adopting the resolution contained therein without a vote. While the text was similar to resolutions adopted in past years on the matter, changes were included that took into account the serious financial situation threatening the continuation of the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law.

By that text, the Assembly concluded that there was a need for more reliable funding for Programme activities, in particular for the

Regional Courses and the Audiovisual Library, for which it authorized the provision of financing from the regular budget and, when necessary, by voluntary contributions. The Assembly also reiterated its request to the Secretary-General to provide the necessary resources to the programme budget for the biennium 2014-2015 in order to ensure the Programme's continued effectiveness and further development.

The Report of the International Law Commission on the work of its sixty-third and sixty-fifth sessions (document A/68/464) was taken up next, with the two resolutions contained therein adopted without a vote. By the text of resolution I, reservations to treaties, the Assembly welcomed the successful completion of the Commission's work on the subject and its adoption of the Guide to Practice on Reservations to Treaties, including the guidelines and a detailed commentary thereto, and encouraged its widest possible dissemination.

While recommending the Commission continue its work on its current programme's topics, the Assembly drew Governments' attention in resolution II to the importance of informing the Commission of their views on various agenda topics. It also stressed the desirability of further enhancing the dialogue between the Commission and the Sixth Committee, and underlined the importance of the records and topical summary of the Sixth Committee's debate for the Commission's deliberations.

Considering the report, Diplomatic protection (document A/68/465), the Assembly also adopted the corresponding resolution without a vote. By that text, the Assembly commended the articles on diplomatic protection to the attention of Governments and invited them to submit comments to the Secretary-General, including on the Commission's recommendation to elaborate a convention based on those articles.

Next before the Assembly was the report, Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm (document A/68/466). By the text of the resolution contained therein, also adopted without a vote, the Assembly commended to Governments the draft articles on transboundary harm from hazardous activities and the draft principles on the allocation of loss in the case of such harm. It

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invited Member States to submit further comments on any future action, in particular on the form of the respective articles and principles. It also requested the Secretary-General to submit a compilation of decisions of international courts, tribunals and other bodies referring to the articles and the principles.

Turning next to the Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (document A/68/467), the Assembly adopted the resolution contained therein without a vote. Through that text, among other provisions, it commended the progress made in the preparation of studies for the Repertory of Practice of United Nations Organs, as well as the progress made towards updating the Repertoire of the Practice of the Security Council. It further reiterated its call for voluntary contributions to the Trust Fund for the elimination of the backlog in the Repertory and for updating the Repertoire.

Also adopted without a vote was the resolution contained in the report, The rule of law at the national and international levels (document A/68/468). In so doing, the Assembly reaffirmed its role in encouraging the progressive development of international law and its codification, and in urging States to abide by all their obligations under international law. It also stressed the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations.

In that context, the Assembly called for enhanced dialogue among all stakeholders on placing national perspectives at the centre of rule of law assistance. Also, by that text, the Assembly encouraged the Secretary-General and the United Nations system to accord high priority to rule of law activities and stressed the need to provide the Rule of Law Unit with the necessary funding and staff.

The Assembly next took up the Committee's report, The scope and application of the principle of universal jurisdiction (document A/68/469), and adopted the corresponding resolution without a vote. By that text, it invited Member States and relevant observers to submit, before 30 April 2014, information and observations on the matter, including, where appropriate, information on

the relevant applicable international treaties and their national legal rules and judicial practice, among other provisions.

The Assembly then went on to consider the report, The law of transboundary aquifers (document A/68/470), adopting without a vote the resolution contained within it. The Assembly, by the provisions of the text, commended the draft articles to the attention of Governments as guidance for bilateral or regional agreements and arrangements and encouraged the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to continue offering assistance to concerned States.

In explanation of position after the action, the representative of Paraguay said her country had a 5 per cent share of the Guaraní aquifer and gave great weight to discussions on the topic in the United Nations. While her delegation had been in consensus of the draft resolution, Paraguay's legislation had not yet ratified the instrument contained therein.

By adopting without a vote the resolution contained in the report, Measures to eliminate international terrorism (document A/68/471), the Assembly called upon all Member States, the United Nations and other international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy and to adopt further measures to prevent terrorism and to strengthen international cooperation in combating terrorism.

Among other provisions in the text, it also called upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities, and urged them to ensure that their nationals or other persons and entities within their territory that wilfully provided or collected funds for the benefit of persons or entities who committed, or attempted to commit, facilitate or participate in the commission of terrorist acts were punished by penalties consistent with the grave nature of such acts.

Also by that text, the Assembly urged all States that had not yet done so to consider becoming parties to relevant conventions and protocols, calling for them to cooperate in preventing and suppressing terrorist acts. It further decided to establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism.

The Committee's report, Revitalization of the work of the General Assembly (document

A/68/592) was considered next, and the corresponding resolution was adopted without a vote. By that action, the Assembly approved the provisional programme of work of the Sixth Committee for its sixty-ninth session.

Pressing ahead, the Assembly took note of the Committee's report, Programme planning (document A/68/472), which stated that the Committee had concluded its consideration of the item without taking action.

The Assembly then took up the Report of the Committee on Relations with the Host Country (document A/68/474). The resolution within it was adopted without a vote. Among the text's provisions, the host country was requested to continue solving, through negotiations, problems that might hinder the work of delegations and missions to the United Nations. It urged the host country to also continue to take appropriate action, such as the training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities, and if violations occurred, to ensure that such cases were properly investigated and remedied, in accordance with applicable law.

In addition, the Assembly requested the host country to remove remaining travel restrictions imposed on certain missions and to enhance the issuance of entry visas to representatives of Member States. It also noted with concern the continuing difficulties some Permanent Missions experienced in obtaining suitable banking services and welcomed the efforts of the host country in facilitating the opening of bank accounts for those missions.

In explanation of position after the action, the representative of Argentina said her country had supported the resolution and that, in regards to paragraph 8, her country had cooperated with authorities on a voluntary basis. Her delegation's comment in the Sixth Committee on the topic did not apply to the resolution.

The Assembly then adopted, without a vote, a decision to defer a request for Observer status for the Cooperation Council of Turkic-speaking States in the work of the General Assembly (document A/68/475) until its sixty-ninth session. The international organization aims to promote comprehensive cooperation among its four founding member States (Azerbaijan, Kazakhstan, Kyrgyzstan and

RECENT DEVELOPMENTS/FORTHCOMING EVENTS

Turkey). It serves as a regional instrument for enriching international cooperation in the Central Asian and Caucasian regions.

The Assembly then took note of the report, Observer status for the International Conference of Asian Political Parties in the work of the Assembly (document A/68/476). The sponsors on the matter had decided not to pursue the request at the current session, while reserving the right to present it at a future session. Therefore, the Committee concluded its consideration of the item without taking action. The Conference, launched in Manila in 2000 by 46 political parties in Asia, seeks to build bridges of political cooperation, establish networks among mainstream political parties in Asia, promote regional cooperation and create an environment for sustained peace and shared prosperity in the region.

The Assembly also had before it a report containing a decision to defer the request for Observer status for the International Chamber of Commerce in the work of the General Assembly (document A/68/477) until the sixty-ninth session. The organization is described as a world business organization that, by grouping together tens of thousands of member companies and associations from more than 120 countries, makes rules governing the conduct of business across borders. The Assembly completed consideration of the Legal Committee's work with four reports requesting observer status in the General Assembly. The first, Observer status for the

International Institute for the Unification of Private Law in the General Assembly (document A/68/478), was adopted without a vote. The Institute, an independent intergovernmental organization comprising over 60 member States, was created by multilateral treaty, and formulates uniform law instruments, international instruments, principles and rules.

The second report, Observer status for the International Anti-Corruption Academy in the General Assembly (document A/68/479), was also adopted without a vote. The Academy is presented as an international organization, with membership open to all Member States of the United Nations and international organizations.

Next was the report on Observer status for the Pan African Intergovernmental Agency for Water and Sanitation for Africa in the General Assembly (document A/68/480). The Agency is described as an intergovernmental organization that meets in letter and in spirit the criteria for observer status set forth in General Assembly decision 49/426. It was adopted without a vote.

The final report considered by the Assembly, Observer status for the Global Green Growth Institute in the General Assembly (document A/68/481), was adopted without a vote. The Institute is the sole international organization dedicated to assisting developing States to create a green economy, as agreed upon at Rio+20. With its core activity in green growth planning and implementation, it provides technical assistance and capacity-building and is currently working in 18 different countries.

FORTHCOMING EVENTS

43rd Annual Conference, 11-12 April 2014

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

V. K. Krishna Menon Lecture, 30 June 2014

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

14th Henry Dunant Memorial Moot Court (National-Zonal Round) Competition 2014, 18th - 20th July 2014: South Round

14th Henry Dunant Memorial Moot Court (National-Zonal Round) Competition 2014, 1st - 3rd August 2014: North Round

14th Henry Dunant Memorial Moot Court (National-Zonal Round) Competition 2014, 16-17 August 2014: India Round

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

Induction-level Training Programme for Indian Economic Services, 20-25 October 2014

Training Workshop for Indian Forest Service Officers on "IPR-WTO Accountability- Scope of Patent", 20-21 November 2014

World Congress on International Law, 9-11 January 2015

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