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Editorial



Many used to claim International law is the evolution of European thought as the necessity for better relations with neighbourhood countries and sovereign states which were not acceptable as very often Prof R. P. Anand proved through his well placed argument. International law expanded geographically and occupied not only entire globe but also space, celestial bodies too. This is the historical evolution. But India had recognised the universality of law controlling the globe and celestial bodies too. It recognised in the early part of world known civilisation that the human relation with the celestial bodies and regulation of each other through proved documentation, empirical datas, formula, statistics, experiences, precedence and proves in scientifically acceptable terms. Indian saints and practitioners felt that the knowledge is directly given by

divine power which controls and regulates every minute parts of atom to mega maximums by application of these resources. But the modern evolution of International law started from neighbourhood relations to sovereign countries relations by experiences and abstract material needs and demands on the occurrences of historical evidences and consequences of incidences and events. The need of Space law gives new dimension during the later part of 20th Century in the decade of nuclear war threat. The treaty's principal drafters, the U.S. and the U.S.S.R., were primarily concerned with nuclear weapons when they met in 1967 at the United Nations; Article IV of the treaty prohibits military installations and weapons of mass destruction from being placed in orbit or on other worlds. Further stipulations guarantee freedom of access to all nations, ban territorial claims and promote scientific cooperation. Above all, the treaty was designed to ensure that space exploration occur peacefully and for the benefit of all mankind.

The dawn of 21st century bring new vision and need for developed nations to think on commercial market economy terms, to earn profit even through the space expeditions. (Adam Mann, "Who's in Charge of Outer Space?" The Wall Street Journal, 19 May 2017). The U.S. has adopted the latter interpretation of the treaty, along with Luxembourg, which hopes to become a hub of space commerce, and the United Arab Emirates, which is currently completing its own domestic space laws to allow asteroid mining. If many countries take a similar stance, this reading could become customary international law. All eyes are now on China, which took a more equivocal stance during the U.N. meeting in March 2017, saying that space-faring nations "should strike a balance between the freedom of utilization and the equitable sharing of benefits. At the conclusion of the meeting, the U.N. committee elected to hold off on any decisions and revisit the issue in 2018.

Activities in space falls under the purview of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. This international agreement, also known as the Outer Space Treaty, turned 50 years old in January. More than 100 countries, including the U.S., Russia and China, are parties to the treaty. "It's the Constitution and the Magna Carta of space law, says Sagi Kfir, General Counsel for Deep Space Industries, an asteroid-mining company based in Mountain View, Calif. "It's so fundamental that its principles have become customary international law even for those countries that aren't signatories. In February 2017, Virgin Galactic's Space Ship Two passed its third glide-flight test, putting it on pace to offer suborbital space tourism by the end of 2018. In March 2017, Goldman Sachs announced to investors that a single asteroid containing \$25 billion to \$50 billion of platinum could be mined by a spacecraft costing only \$2.6 billion—less than a third of what has been invested in Uber.

The commercial exploitation of celestial bodies are now accepted by domestic law in USA by the President Obama. One of the biggest modern-day sticking points stems from Article VI, which states that nongovernmental entities—i.e. private businesses—must receive authorization and continuing supervision from their country of origin. Article VI was originally a compromise between the communist Soviets, who wanted to ban off-planet commercial activity, and the Americans, who insisted that space be open for businesses. Whether India will play a crucial role in this treaty formulation so that Chandrayaan II will be part of our effort of proving the ancient knowledge of India used and justified of "Make in India" ?

Dr. E. M. Sudarsana Natchiappan

RECENT ACTIVITIES

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Book Release Function Followed by Panel Discussion

ISIL organized a Book Release Function and Panel Discussion on 1 March 2017 at its premises. The function was presided by Chief Guest Hon'ble Justice S. Ravindra Bhat, Judge, Delhi High Court. Dr. E. M. S. Natchiappan, President, ISIL welcomed the chief guest and the participants. The Book titled "Judging the State in International Trade and Investment Law" is published by Springer India Pvt. Ltd and edited by Dr. Leila Chakroune, Director, CSH India, who gave introductory remarks about the book. The Chief Guest Hon'ble Justice Bhat released the book and invited the contributors/authors to make their presentations. Dr. James Nedumpara, Dr. Prabhas Ranjan and Shri A. K. Ganguli highlighted important issues covered in the chapters contributed by them for the book. The book addresses concerns with the international trade and investment dispute settlement from a statist perspective, at a time when multilateralism deeply questioned by the forces of mega-regionalism and political and economic contestation. In covering recent case laws and theoretical discussions, the book contributors analyses the particularities of statehood and the limitations of the dispute settlement systems to judge sovereign actors as autonomous regulators.

One Day Training Programme for Awareness/Sensitization on IPRs for MSMEs

A One-day Training Programme for Awareness/Sensitization on IPR for MSME sponsored by Ministry of Micro, Small & Medium Enterprises was conducted by the Indian Society of International Law (ISIL) and on 4th March 2017. Dr. E.M.S. Natchiappan, President, ISIL gave the welcome address and the inaugural address was delivered by Dr. Manisha Shridhar, Regional Advisor at World Health Organization, where she



shared her experiences working in the MSME sector. She briefly gave a background of establishment of WTO and inclusion of WTO Dispute Settlement Mechanism along with the TRIPS Agreement. Around 40 participants attended the training which included professionals working in the MSME sector, academicians, research scholars and students.

The training was initiated with a lecture on '*Usefulness of Patents and Industrial Designs for MSME*' by Shri. Sameer Swarup, Deputy Controller of Patents and Designs, Information Technology Division, IPO Delhi. He discussed at length the entire procedure of registration of patents and design, including the importance of registration for the SMEs. This lecture was followed by a presentation on '*Relevance of Trademarks and Copyrights for MSME*' by Shri. Raghavender G.R., Joint Secretary, Department of Justice, Ministry of Law & Justice, Government of India, who

acquainted the participants with important provisions under Copyright and Trademark Law essential to the SMEs sector. In this segment recent role of Copyrights Societies was made aware to the participants. Prof. TC James, President, NIPO and Visiting Fellow, RIS apprised the participants on '*Scope of Geographical Indications*' for MSME including the usefulness of protecting the GI citing various examples.

The training was given a logical and an enlightening conclusion with a panel discussion on '*Increasing Role of IPR in SME's*' by Shri. R Saha, Former Head, Patent Facilitation Centre, TIFAC, Govt. of India, Shri. Anil Kumar, NITI Aayog, Shri. Zakir Thomas, IRS, where the panelists shared their experiences and discussed practical problems which the people working in the SME sector face and suggested possible solutions to overcome such challenges.



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Detailed role of Ministry of MSMEs in providing assistance related to Patent, Trade Marks and other IPRs to the inventor or developer of technology was also explained. Certificates of participation were distributed to the participants.

Visit of Participants of Bureau of Parliamentary Studies and Training to ISIL

Participants of the 31st International Training Programme in Legislative Drafting for Foreign Parliamentary Officials organized by the Bureau of Parliamentary Studies and Training, New Delhi visited the Indian Society of International Law on 20 February 2017. There were 30 foreign participants. Prof. S. K. Verma, Secretary General, ISIL and Shri Vinai Kumar Singh, Deputy Director, ISIL briefed the participants on Drafting of International Treaties and Implementation of Treaties in India.

Special Lecture on “The Recent Criminal Justice Reform in China in the Lens of International Treaties”

ISIL organized a special lecture on “The Recent Criminal Justice Reform in China in the Lens of International Law” on 30 March 2017 at its premises. The lecture was delivered by Prof. Zhiyuan Guo, College of Criminal Justice, Deputy Director, Centre for Criminal Law and Justice, China University of Political Science and Law. Dr. E. M. S. Natchiappan, President, ISIL presided the programme and welcomed the Chief Guest Prof. Guo. Prof. S. K. Verma, Secretary General, ISIL gave a formal vote of thanks.

Monthly Discussion Forum

Discussion on “Future of ICC: Some Thoughts”, by Prof. Rashmi Salpekar, Dean, VIPS Law School, Delhi, on 6 January 2017.

Discussion on “The Outer Space Treaty, 1967: Normativity and Beyond”, by Dr. Sreejith S. G., Associate Professor, Associate Dean (Academic Affairs) & Executive

Director, Centre for International Legal Studies, Jindal Global Law School, O. P. Jindal Global University, Sonapat on 3 February 2017.

Discussion on “International Refugee Law and the United States: The Constitutionality of the Executive Order under US Refugee Act, 1980?”, by Dr. Nafees Ahmad, Assistant Professor, SAU, New Delhi on 3 March 2017.

Shri R. K. P. Shankardass, Life Member of the ISIL Passed Away

Mr R K P Shankardass, Life Member, ISIL passed away peacefully on 10th March 2017. He was Donor Patron of the Society and was Vice President of the Society during 2003-06. He was also a Member of the Executive Council from 2000-2003. Born in Kenya in 1930, he studied Economics and Law at Cambridge before being called to the Bar at the Lincoln's Inn. He learned the ropes with the celebrated Attorney General of India Mr C.K. Daphtary and rose to be a leader of the Indian Bar. His career spanned over 5 decades—with multi-dimensional roles of a litigator, advisor, counsellor, friend, philosopher and guide—all played out with great decency, charm and probity. President from 1987 to 1988, Shankardass was the first International Bar Association (IBA) President from outside Europe and North America. Kumar acted as Commissioner and Panel Chairman, United Nations Compensation Commission, Geneva (1996-2005) for adjudicating war claims. He represented the State of Qatar (1988-2001) in a dispute on Maritime Delimitation and Territorial Questions before the International Court of Justice at The Hague. He was counsel to the Government of India (2005-2013) in disputes at the Permanent Court of Arbitration (The Hague) between Pakistan and India under the Indus Waters Treaty, 1960 in respect of the Baglihar and Kishenganga Hydroelectric Projects in Kashmir; and between Bangladesh and India on maritime boundary delimitation in the Bay of Bengal. Having served as legal advisor to the High Commissioner for

the United Kingdom since 1974, he was bestowed with the Honorary Order of the British Empire (OBE) in July 1996. He was conferred with Doctor of Laws (Honoris Cause) by the North Orissa University in 2012. The ISIL extends its condolences to his family and passed a resolution and sent to family.

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Morocco rejoins the African Union after 33 years

On 30 January 2017, Morocco was admitted to the African Union (AU) after previously withdrawing more than three decades ago, from the Organization of African Unity (OAU its predecessor). Morocco became the 55th Member State of the AU, a decision adopted by “consensus”. Morocco left its predecessor, the OAU, in 1984 after the OAU recognised the independence of Moroccan-occupied Western Sahara. Nevertheless, as many as 15 Member States, inter alia, South Africa and Algeria, initially stressed their disapproval of Morocco's bid. These States were concerned with the simultaneous debate on the question of the Western Sahara and the status of the Sahrawi Arab Democratic Republic (SADR) in the AU. After an emotional and tense debate, member states decided by consensus to leave the question of the disputed territory of Western Sahara for another day, and resolve it with Morocco “back in the family”.

Application under the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation): Request for the indication of Provisional Measures

In large parts of eastern Ukraine, that context is characterized by periods of extensive fighting which has claimed

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a large number of lives. The destruction, on 17 July 2014, of Malaysia Airlines Flight MH17 while it was flying over Ukrainian territory en route between Amsterdam and Kuala Lumpur, caused the deaths of 298 people.

On 16 January 2017, Ukraine submitted the lawsuit against Russia at the ICJ alleging the violations of the International Convention for the Suppression of the Financing of Terrorism (Terrorism Financing Convention) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). With respect to the violations of the Terrorism Financing Convention, Ukraine alleged that since 2014 Russia has escalated its interference in Ukrainian domestic affairs by “intervening militarily in Ukraine, financing acts of terrorism, and violating the human rights of millions of Ukraine's citizens”. Ukraine submitted that by instigating and sustaining an armed insurrection in eastern Ukraine, Russia violated fundamental principles of international law enshrined in the Convention. Ukraine respectfully requests the Court to adjudge and declare that the Russian Federation bears international responsibility, by virtue of its sponsorship of terrorism and failure to prevent the financing of terrorism under the Convention, for the acts of terrorism committed by its proxies in Ukraine, including: (a) the shoot-down of Malaysian Airlines Flight MH17; (b) the shelling of civilians, including in Volnovakha, Mariupol, and Kramatorsk; and (c) the bombing of civilians, including in Kharkiv.

As Russia does not recognize the compulsory jurisdiction of the ICJ, the only avenue for bringing the action before the ICJ is to rely upon a treaty that provides for the possibility of judicial settlement in the ICJ and has been ratified by both parties. Given that both Ukraine and Russia are parties to the Terrorism Financing Convention and CERD, Ukraine invoked those two instruments as the basis for its action

before the ICJ. As to Ukraine's claims on the violation of CERD, Russia maintained that it engaged in the dialogue with Ukraine in good faith, however, Ukraine “showed the lack of interest in the substantive discussion of the issues at dispute”. Russia submits that it suggested Ukraine to compare Russian and Ukrainian legislation on racial discrimination “in order to find a common understanding of the best way to protect the people's rights and substantively deal with each specific situation”.

At the public hearings held from 6 to 9 March 2017, oral observations on the Request for the indication of provisional measures were presented. At the end of its second round of oral observations, Ukraine asked the Court to indicate the following provisional measures: “With respect to the Terrorism Financing Convention, Ukraine requests that the Court order the following provisional measures: (a) the Russian Federation shall refrain from any action which might aggravate or extend the dispute under the Terrorism Financing Convention before the Court or make this dispute more difficult to resolve. (b) the Russian Federation shall exercise appropriate control over its border to prevent further acts of terrorism financing, including the supply of weapons from the territory of the Russian Federation to the territory of Ukraine. (c) the Russian Federation shall halt and prevent all transfers from the territory of the Russian Federation of money, weapons, vehicles, equipment, training, or personnel to groups that have engaged in acts of terrorism against civilians in Ukraine, or that the Russian Federation knows may in the future engage in acts of terrorism against civilians in Ukraine, including but not limited to the 'Donetsk People's Republic', the 'Luhansk People's Republic', the 'Kharkiv Partisans', and associated groups and individuals. (d) the Russian Federation shall take all measures at its disposal to ensure that any groups operating in Ukraine that have previously received transfers from the territory of the Russian Federation of

money, weapons, vehicles, equipment, training, or personnel will refrain from carrying out acts of terrorism.

With respect to the CERD, Ukraine requests that the Court order the following provisional measures: (a) the Russian Federation shall refrain from any action which might aggravate or extend the dispute under CERD before the Court or make it more difficult to resolve. (b) the Russian Federation shall refrain from any act of racial discrimination against persons, groups of persons, or institutions in the territory under its effective control, including the Crimean peninsula. (c) the Russian Federation shall cease and desist from acts of political and cultural suppression against the Crimean Tatar people, including suspending the decree banning the Mejlis of the Crimean Tatar People and refraining from enforcement of this decree and any similar measures, while this case is pending. (d) the Russian Federation shall take all necessary steps to halt the disappearance of Crimean Tatar individuals and to promptly investigate those disappearances that have already occurred. (e) the Russian Federation shall cease and desist from acts of political and cultural suppression against the ethnic Ukrainian people in Crimea, including suspending restrictions on Ukrainian-language education and respecting ethnic Ukrainian language and educational rights, while this case is pending.”

At the end of its second round of oral observations, Russia made the following statement: “In accordance with Article 60 of the Rules of the Court for the reasons explained during these hearings the Russian Federation requests the Court to reject the request for the indication of provisional measures submitted by Ukraine.”

Maritime Delimitation in the Indian Ocean (Somalia v. Kenya): Preliminary Objections

Somalia and Kenya, adjacent States on the coast of East Africa, are parties

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to the United Nations Convention on the Law of the Sea (UNCLOS). Under Article 76, paragraph 8, of UNCLOS, a State party to the Convention intending to establish the outer limits of its continental shelf beyond 200 nautical miles shall submit information on such limits to the Commission on the Limits of the Continental Shelf (CLCS). The role of the CLCS is to make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf beyond 200 nautical miles. With regard to disputed maritime areas, the CLCS requires the prior consent of all the States concerned before it will consider submissions regarding such areas. On 7 April 2009, the Parties signed a Memorandum of Understanding (MOU), agreeing to grant to each other no-objection in respect of submissions made to the CLCS on the outer limits of the continental shelf beyond 200 nautical miles. Paragraph 6 of the MOU further provides that: “[t]he delimitation of maritime boundaries in the areas under dispute . . . shall be agreed between the two coastal States . . . after the Commission has concluded its examination of the separate submissions made by each of the two coastal States and made its recommendations . . .”. In the following years, both Parties raised and withdrew objections to the consideration of each other's submissions by the CLCS. Those submissions are now under consideration.

On 28 August 2014, Somalia instituted proceedings against Kenya before the Court, requesting the latter to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 nautical miles. As basis for the Court's jurisdiction, Somalia invoked the declarations recognizing the

Court's jurisdiction as compulsory made by the two States. Kenya, however, raised two preliminary objections: one concerning the jurisdiction of the Court, the other the admissibility of the Application. In its first preliminary objection, Kenya argued that the Court lacked jurisdiction to entertain the present case as a result of one of the reservations to its declaration accepting the compulsory jurisdiction of the Court, which excludes disputes in regard to which the parties have agreed “to have recourse to some other method or methods of settlement”. It asserted that the MOU constitutes an agreement to have recourse to another method of settlement. It added that the relevant provisions of UNCLOS on dispute settlement also amount to an agreement on the method of settlement. The Court first considered whether the MOU falls within the scope of Kenya's reservation. Having examined the legal status of that instrument under international law, it concluded that it is a valid treaty which entered into force upon signature and which is binding on the Parties under international law. The Court then proceeds to interpret the MOU. The Court again by observing that the object and purpose of the MOU was to constitute a no-objection agreement, enabling the CLCS to make recommendations notwithstanding the existence of a dispute between the Parties regarding the delimitation of the continental shelf. It then examined paragraph 6 of the MOU, in order to establish whether it contains an agreed dispute settlement method. The Court noted that the provision in question relates solely to the continental shelf, and not to the whole maritime boundary between the Parties, which suggests that it did not create a dispute settlement procedure for the determination of that boundary. It also observed that the text of the sixth paragraph reflects that of Article 83, paragraph 1, of UNCLOS, suggesting that the Parties intended to acknowledge the usual course that delimitation would take under that Article, namely engaging in negotiations with a view of reaching agreement, and not to

prescribe a method of dispute settlement. It further pointed out that the Parties accept that the sixth paragraph did not prevent them from undertaking such negotiations, or reaching certain agreements, prior to obtaining the recommendations of the CLCS. Finally, it noted that the MOU repeatedly makes clear that the process leading to the delineation of the outer limits of the continental shelf beyond 200 nautical miles is to be without prejudice to the delimitation of the maritime boundary between the Parties, implying that delimitation could be undertaken independently of a recommendation of the CLCS. The Court concluded from the foregoing that the MOU does not constitute an agreement by the Parties “to have recourse to some other method or methods of settlement”. Therefore, it does not fall within the scope of Kenya's reservation to its declaration recognizing the Court's jurisdiction.

The Court next considered whether Part XV of UNCLOS (entitled “Settlement of disputes”) amounts to an agreement on a method of settlement for the maritime boundary dispute within the meaning of Kenya's reservation. It focused on Article 282 of the Convention in particular, which, while making no express reference to an agreement to the Court's jurisdiction resulting from optional clause declarations, nevertheless provides that an agreement to submit a dispute to a specified procedure that applies in lieu of the procedures provided for in Section 2 of Part XV may not only be contained in a “general, regional or bilateral agreement”, but may also be reached “otherwise”. The Court is of the view that the phrase “or otherwise” in Article 282 encompasses agreement to the jurisdiction of the Court resulting from optional clause declarations. It concluded from this that under Article 282, the optional clause declarations of the Parties constitute an agreement, reached “otherwise”, to settle in the Court disputes

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concerning the interpretation or application of UNCLOS, and that the procedure before the Court shall thus apply “in lieu” of procedures provided for in Section 2 of Part XV. Accordingly, this dispute does not, by virtue of Part XV of UNCLOS, fall outside the scope of Kenya’s optional clause declaration. The Court recalled that, according to Kenya, the Application is inadmissible for two reasons. First, Kenya argues that the Parties had agreed in the MOU to delimit their boundary by negotiation only after the completion of the CLCS review of their submissions. Having previously found that the MOU did not contain such an agreement, the Court also rejected this aspect of Kenya’s second preliminary objection. Second, Kenya contends that Somalia’s withdrawal of its consent to the consideration by the CLCS of Kenya’s submission was in breach of the MOU. The Court is of the view that the violation by Somalia of a treaty at issue in the case does not per se affect the admissibility of its Application. In light of the foregoing, the Court finds that the preliminary objection to the admissibility of Somalia’s Application must be rejected. By an Order dated 2 February 2017, the International Court of Justice (ICJ), has fixed 18 December 2017 as the time-limit for the filing of the Counter-Memorial of the Republic of Kenya in the case concerning Maritime Delimitation in the Indian Ocean (Somalia v. Kenya).

UN Votes to Outlaw Nuclear Weapons in 2017: Taking forward Multilateral Nuclear Disarmament Negotiations

On 23 December 2016, the UN General Assembly adopted a resolution to convene negotiations in 2017 on a treaty prohibiting nuclear weapons. The voting result was 113 nations in favour and 35 against, with 13 abstentions. Earlier, the First Committee of the General Assembly, which deals with disarmament and international security matters, had adopted a draft of the same

resolution. Austria, Brazil, Chile, Costa Rica, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Honduras, Indonesia, Ireland, Jamaica, Kenya, Liechtenstein, Malawi, Malta, Mexico, Namibia, Nauru, New Zealand, Nigeria, Palau, Panama, Paraguay, Peru, Philippines, Samoa, South Africa, Sri Lanka, Swaziland, Thailand, Uruguay, Venezuela (Bolivarian Republic of) and Zambia moved this resolution. The voting result in the First Committee was 123 nations in favour and 38 against, with 16 abstentions. India abstained from voting and appended a statement delivered by Ambassador D.B. Venkatesh Varma, Permanent Representative of India to the CD. Disarmament is a Charter responsibility of the UNGA. In exercise of this responsibility the First Special Session on Disarmament of the UNGA established the disarmament machinery with the CD as the single multilateral disarmament negotiation forum. Nuclear disarmament continues to be on the CD’s agenda. We are not convinced that the proposed Conference in 2017 convened under GA rules of procedure can address the longstanding expectation of the international community for a comprehensive instrument on nuclear disarmament. Further, India did not participate in the OEWG which met in Geneva during 2016 and hence reserves its position on its Report and the recommendations therein. India has supported the commencement of negotiations in *the Conference on Disarmament on a Comprehensive Nuclear Weapons Convention*, which in addition to prohibition and elimination also includes verification. International verification would be essential to the global elimination of nuclear weapons, just as it has been in the case of the Chemical Weapons Convention. Progress on nuclear disarmament in the CD should remain an international priority.

UN General Assembly First Committee Sends 69 Texts to General Assembly, Concluding

Session by Approving Drafts on Chemical Weapons, Improvised Explosive Devices

The First Committee (Disarmament and International Security) concluded its work today, sending 69 draft resolutions and decisions to the General Assembly for adoption. The Committee approved two draft resolutions on chemical weapons and improvised explosive devices.

By a vote of 149 in favour to 6 against (Burundi, China, Iran, Kyrgyzstan, Russian Federation, Syria) with 15 abstentions, it approved a draft titled “implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction” (document A/C.1/71/L.61/Rev.1). By its terms, the General Assembly would condemn in the strongest possible terms the use of chemical weapons by anyone under any circumstances, emphasizing that any use of chemical weapons anywhere, at any time, by anyone, under any circumstances was unacceptable as well as a violation of international law. The world body would also express its strong conviction that those individuals responsible for the use of chemical weapons must and should be held accountable.

Prior to approving that draft as a whole, the Committee approved the retention of preambular paragraphs 3 and 4 and operative paragraphs 2 and 13, which detailed, among other things, findings of reports of the Organisation for the Prohibition of Chemical Weapons (OPCW)-United Nations Joint Investigative Mechanism on chemical weapon use in Syria by the Syrian Arab Armed Forces and Islamic State in Iraq and the Levant (ISIL/Da'esh).

The representative of Poland introduced a draft resolution titled “implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction” (document

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A/C.1/71/L.61/Rev.1). As sole sponsor of the draft resolution, Poland had been presenting it to the Committee every year. For years, the draft had contributed to international peace and security and had enhanced the chemical non-proliferation regime that was based on the Convention. The resolution reflected the ongoing work on cases of use of chemical weapons in Syria by the Organisation for the Prohibition of Chemical Weapons (OPCW)-United Nations Joint Investigative Mechanism. The draft could not turn a blind eye to those developments as they undermined the fundamental international norm against the use of chemical weapons, the bedrock of the Convention. The representative of India said his delegation had voted in favour of "L.61/Rev.1", given the importance it attached to the Chemical Weapons Convention. India regretted to note that consensus had not been achieved for the second year in a row. Moreover, India was deeply concerned by reports of the use of chemical weapons by terrorist groups, including in Syria. However, Indian delegation had abstained from the vote to retain operative paragraph 3, as the third Joint Investigative Mechanism report was still under consideration by the Security Council.

Without a vote, the Committee also approved a draft resolution titled "countering the threat posed by improvised explosive devices" (document A/C.1/71/L.68/Rev.1), by which terms the General Assembly would strongly encourage States to develop and adopt their own national policy to counter improvised explosive devices so as to strengthen their countermeasure capability to combat illegal armed groups, terrorists and other unauthorized recipients in their use of improvised explosive devices. Also by the text, the Assembly would stress the need for States to take appropriate measures to strengthen the management of their national ammunition stockpiles and encourage

the application of the International Ammunition Technical Guidelines for the safer and more secure management of ammunition stockpiles.

Britain Triggers Notice under Article 50 of the Lisbon Treaty

The United Kingdom, on 29 March 2017, gave notice under Article 50 of the Lisbon Treaty that pursuant to a democratic vote, it was leaving the European Union.

Russia and China Veto Another UN Security Council Resolution Seeking to Impose Sanctions on Syria

Russia and China exercised their veto powers on 27 February 2017 in the United Nations Security Council to block a resolution that would have imposed sanctions against specific parties using chemical weapons in war-torn Syria. Although nine of the Council's 15 members voted to support the resolution, Bolivia joined Russia and China in rejecting it. Egypt, Ethiopia, and Kazakhstan abstained.

WTO Trade Facilitation Agreement Takes Effect

On 22 February 2017, WTO Trade Facilitation Agreement (TFA) was entered into force. In receiving four more ratifications from Rwanda, Oman, Chad and Jordan for the Trade Facilitation Agreement (TFA), the WTO has obtained the two-third acceptance of the agreement from its 164 members needed to bring the TFA into force. The total number of ratifications reached over the required threshold of 110. The entry into force of this agreement, which seeks to expedite the movement, release and clearance of goods across borders, launches a new phase for trade facilitation reforms all over the world and creates a significant boost for commerce and the multilateral trading system as a whole. Developed countries have committed to immediately implement the Agreement, which sets out a broad series of trade facilitation reforms. Developing countries, in comparison, will immediately apply only the TFA provisions they have

designated as "Category A" commitments. For the other provisions of the Agreement, they must indicate as to when these will be implemented and what capacity building support is needed to help them implement these provisions, known as Category B and C commitments. These can be implemented at a later date with least-developed countries given more time to notify these commitments. So far, notifications of Category A commitments have already been provided by 90 WTO members. As of today, the following WTO members have accepted the TFA: Hong Kong China, Singapore, the United States, Mauritius, Malaysia, Japan, Australia, Botswana, Trinidad and Tobago, the Republic of Korea, Nicaragua, Niger, Belize, Switzerland, Chinese Taipei, China, Liechtenstein, Lao PDR, New Zealand, Togo, Thailand, the European Union (on behalf of its 28 member states), the former Yugoslav Republic of Macedonia, Pakistan, Panama, Guyana, Côte d'Ivoire, Grenada, Saint Lucia, Kenya, Myanmar, Norway, Viet Nam, Brunei Darussalam, Ukraine, Zambia, Lesotho, Georgia, Seychelles, Jamaica, Mali, Cambodia, Paraguay, Turkey, Brazil, Macao China, the United Arab Emirates, Samoa, India, the Russian Federation, Montenegro, Albania, Kazakhstan, Sri Lanka, St. Kitts and Nevis, Madagascar, the Republic of Moldova, El Salvador, Honduras, Mexico, Peru, Saudi Arabia, Afghanistan, Senegal, Uruguay, Bahrain, Bangladesh, the Philippines, Iceland, Chile, Swaziland, Dominica, Mongolia, Gabon, the Kyrgyz Republic, Canada, Ghana, Mozambique, Saint Vincent & the Grenadines, Nigeria, Nepal, Rwanda, Oman, Chad and Jordan.

ICC Revised Arbitration Rules comes into Effect

The International Court of Arbitration of the International Chamber of Commerce (ICC Court) announced important amendments to the ICC Rules of Arbitration (the "Rules") to increase the efficiency and transparency of ICC arbitrations. The revised rules entered into effect on March 1,

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2017. They provide that expedited procedure rules will automatically apply to all arbitrations with amounts in dispute below US\$2 million and to cases involving higher amounts on an opt-in basis.

US President's Executive Order Excluding Refugees and Nationals from Seven Muslim Countries

On 27 January 2017, U.S. President Donald Trump signed an executive order banning refugees and nationals from seven Muslim countries. Brief purpose of the executive order is: The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States. Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee

resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism. In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes towards it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation. The exclusion order does nothing to increase the safety of the United States. It instead will become a recruiting tool for ISIL/ISIS and endanger the safety of U.S. citizens abroad. Trump's proposal to impose "extreme vetting" was not itself vetted.

US Withdraws from the TPP

U.S. President Donald Trump has signed an Executive Order withdrawing the signature of the United States from the Trans Pacific Partnership ("TPP"). Here is the text of the Executive Order:

Presidential Memorandum Regarding Withdrawal of the United States from the Trans-Pacific Partnership Negotiations and Agreement: It is the policy of my Administration to represent the American people and their financial well-being in all negotiations, particularly the American worker, and to create fair and economically beneficial trade deals that serve their interests. Additionally, in order to ensure these outcomes, it is the intention of my Administration to deal directly with individual countries on a one-on-one (or bilateral) basis in negotiating future trade deals. Trade with other nations is, and always will be, of paramount importance to my Administration and to me, as President of the United States.

Based on these principles, and by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct you to withdraw the United States as a signatory to the Trans-Pacific Partnership (TPP), to permanently withdraw the United States from TPP negotiations, and to begin pursuing, wherever possible, bilateral trade negotiations to promote American industry, protect American workers, and raise American wages.

You are directed to provide written notification to the Parties and to the Depository of the TPP, as appropriate, that the United States withdraws as a signatory of the TPP and withdraws from the TPP negotiating process.

Forthcoming Events

Convocation and Inauguration of PG Diploma Courses of the Indian Academy of International Law and Diplomacy: Inauguration by Hon'ble Justice S. Ravindra Bhat, Judge, Delhi High Court: **1 September 2017**

Two Days Workshop on "New Vistas of Sports Law: Challenges and

Opportunities": **9-10 September 2017**
17th Henry Dunant Memorial Moot Court Competition 2017: **21-24 September 2017**

1st World Conference on Access to Medical Products and International Laws for Trade and Health, in the context of 2030 Agenda for Sustainable

Development Jointly Organized by the Ministry of Health, Government of India with WHO, India in partnership of the ISIL: **21-23 November 2017**

Conference on Certain Conventional Weapons Jointly Organized by the ICRC, New Delhi and ISIL : **5-6 December 2017**