



The Indian Society of International Law NEWSLETTER

Vol. 24, No. 3 (July-September 2025)

For members only

EDITORIAL

International Court of Justice's Advisory Opinion on the Obligations of States in Respect of Climate Change

On 23 July 2025, the International Court of Justice delivered its Advisory Opinion on the Obligations of States in respect of Climate Change, unanimously establishing that states have comprehensive binding obligations under multiple frameworks of international law to protect the climate system. The Court's opinion responded to questions posed by the UN General Assembly through Resolution 77/276, marking only the fifth unanimous advisory opinion in the Court's nearly 80-year history. In its Advisory Opinion, the Court identified specific obligations under various climate treaties, including that states parties to the Paris Agreement must "act with due diligence in taking measures in accordance with their common but differentiated responsibilities and respective capabilities capable of making an adequate contribution to achieving the temperature goal". The Court further held that states must "prepare, communicate and maintain successive and progressive nationally determined contributions" that collectively can achieve this temperature goal, and that they have obligations of adaptation and cooperation, including through technology and financial transfers, which must be performed in good faith.

Significantly, the Court held that customary international law imposes a duty on states "to use all means at their disposal to prevent activities carried out within their jurisdiction or control from causing significant harm to the climate system." The Court characterized these obligations as *erga omnes*, meaning "all States have a common interest in the protection of global environmental commons like the atmosphere and the high seas," allowing any state to invoke responsibility for breaches. Addressing state responsibility, the Court found that "it is scientifically possible to determine each State's total contribution to global emissions, taking into account both historical and current emissions." The Court clarified that "the internationally wrongful act in question is not the emission of greenhouse gases per se, but the breach of conventional and customary obligations," including failures in regulating private actors. States may be held responsible for "fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies." On causation, the Court acknowledged that while "the causal link between the wrongful actions or omissions of a State and the harm arising from climate change is more tenuous than in the case of local sources of pollution," this does not make establishing causation impossible. The Court endorsed a flexible standard requiring "a sufficiently direct and certain causal nexus" determined through case-by-case assessment, with scientific evidence establishing that "significant harm to the climate system has been caused as a result of anthropogenic greenhouse gas emissions."

It is hoped that the opinion rendered by the Court would inform and guide social and political action to deal with the ongoing climate crisis, influencing the conduct of the states, exhorting responsible practices on their part and the trajectory of climate litigation across the globe.

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RECENT DEVELOPMENTS

Human Rights Council Resolution on Human Rights and Climate Change

On 8 July 2025, Human Rights Council adopted Resolution 59/25 on Human Rights and Climate Change in its 59th Session. The Council urged States to take effective measures to fulfil at least the new collective quantified goal on climate finance, while making additional efforts to assist developing countries in their adaptation and mitigation initiatives, including in the pursuit of fair, equitable, inclusive and sustainable just transition pathways from a high-carbon economy to a low-carbon economy. Called upon States to enhance international cooperation and assistance and reiterates the urgency of scaling up action and support, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures and to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change, in averting, minimizing and addressing loss and damage. It called upon States and all relevant stakeholders, with developed countries taking the lead, to promote equitable access to finance and resources for enhancing the adaptive capacities of the most affected communities, in accordance with the principles of equity, climate justice and the right to development by delivering on climate finance commitments and supporting loss and damage mechanisms. It encouraged States, development partners and international financial institutions to adopt simplified procedures for accessing the various climate funds for developing countries, including direct access arrangements for funding.

Draft Convention on Negotiable Cargo Documents

On 11 July 2025, The United Nations Commission on International Trade

Law (UNCITRAL) approved the draft Convention on Negotiable Cargo Documents (NCD), recommending it for adoption by the UN General Assembly. This marks a historic milestone in the modernisation of international trade law and opens new opportunities for shippers, freight forwarders, and trade finance institutions across both established and emerging trade corridors.

Key benefits of the NCD Convention include:

- **Legal Certainty for Multimodal Transport:** The Convention addresses a longstanding legal gap by recognising negotiable cargo documents in multimodal transport. This reinforces the established practice of freight forwarders acting as contractual carriers, issuing documents such as the FIATA Multimodal Transport Bill of Lading (FBL) to organise end-to-end transport.
- **Support for SMEs and Global Supply Chain Access:** By enabling the use of negotiable documents across jurisdictions, the Convention facilitates access to global supply chains for micro, small, and medium-sized enterprises, including those in emerging markets without direct access to deep-sea shipping.
- **Enabler of Digital Trade:** The Convention incorporates provisions based on the UNCITRAL Model Law on Electronic Transferable Records (MLETR), providing legal recognition for electronic negotiable transport records. This is a critical step in advancing digital trade and innovation in logistics.
- **Opt-In Flexibility:** The Convention is designed as an opt-in instrument, allowing commercial parties to decide whether to apply its provisions. This ensures flexibility and responsiveness to market needs.

- **Preservation of Existing Liability Regimes:** The Convention focuses on negotiability and documents of title, without altering existing transport liability frameworks. This ensures continuity and legal clarity for freight forwarders and their clients.

ICC Trial Court Issues Judgement in The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona

On 24 July 2025, following a trial that initially opened in February 2021, Trial Chamber V of the International Criminal Court (ICC) issued its judgment in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*. The Chamber entered guilty verdicts against both defendants for war crimes and crimes against humanity committed in the Central African Republic (CAR) between 2013 and 2014 and sentenced Mr Yekatom to 15 years and Mr Ngaïssona to 12 years imprisonment. This case falls within the purview of the ICC's Situation in the CAR II, which focuses on crimes committed within the context of a conflict that has been ongoing since 2012 between the predominantly Muslim Seleka group and the predominantly Christian Anti-Balaka group. However, in its judgment, the Trial Chamber emphasized that it did not find the conflict to "be of a religious nature at the outset." Both Mr. Yekatom and Mr. Ngaïssona were instrumental in forming and supporting the Anti-Balaka and routinely targeted the Muslim civilian population of the CAR including during widespread attacks throughout 2013 and 2014. Ultimately, under a theory of individual responsibility, the Trial Chamber found both men guilty of various war crimes and crimes against humanity committed during these attacks, including murder; forcible transfer/ displacement and deportation; directing an attack

against a building dedicated to religion; torture; cruel treatment; other inhumane acts; imprisonment and other severe deprivation of physical liberty; destruction of property; and persecution. At the time of this publication, both defendants have expressed an intent to appeal the Court's judgment against them.

UN General Assembly Resolution on Independent International Scientific Panel on AI and the Global Dialogue on AI Governance

On 26 August 2025, United Nations General Assembly adopted Resolution A/RES/79/325 Terms of reference and modalities for the establishment and functioning of the Independent International Scientific Panel on Artificial Intelligence and the Global Dialogue on Artificial Intelligence Governance. Resolution defines the structure and operating principles for two key AI governance mechanisms. The new resolution marks a pivotal shift in global AI governance by formally establishing a 40-member, multidisciplinary Independent International Scientific Panel on Artificial Intelligence. Members will serve three-year terms and be chosen through a transparent, criteria-based process. The panel's role is to provide yearly, evidence-based scientific assessments of AI that are relevant to policy and non-prescriptive, guided by principles of independence, credibility, inclusivity, and balanced geographic and gender representation. Alongside this, the UN has launched a Global Dialogue on Artificial Intelligence Governance to ensure that there will be an annual forum for world leaders and international stakeholders to address crucial issues of AI governance topics, such as safety, ethics, rights, transparency, capacity-building, interoperability, open data/ software, and closing digital divides.

WTO Agreement on Fisheries Subsidies enters into force

On 15th September 2025, the WTO Agreement on Fisheries Subsidies ("the Agreement") entered into force for members who ratified the Agreement, after two-thirds of the WTO members submitted their instruments of acceptance. Aimed at curbing harmful subsidies that deplete the marine fish stocks, it is the first multilateral agreement to focus on environmental sustainability and global governance. The Agreement also provides for a Fish Fund to assist developing and least-developed country (LDCs) members that have submitted their instrument of acceptance. It prohibits subsidies that contribute to illegal, unregulated and unreported (IUU) fishing, impact overfished stocks, or are associated with fishing in the high seas where the resources are not under the management of regional management organizations. Most of the major exporters of the world including China, Norway, Vietnam, Chile, Ecuador, the USA, Russia, European Union, South Korea, and Japan have ratified the Agreement. However, India, Thailand, and Indonesia have not yet ratified the Agreement, despite being some of the larger fish exporters.

Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Ares beyond National Jurisdiction

On 19 September 2025, the conditions for the entry into force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Ares beyond National Jurisdiction adopted at New York on 19 June 2023 were met. Accordingly, the Agreement, also known as "BBNJ Agreement", shall enter into force on

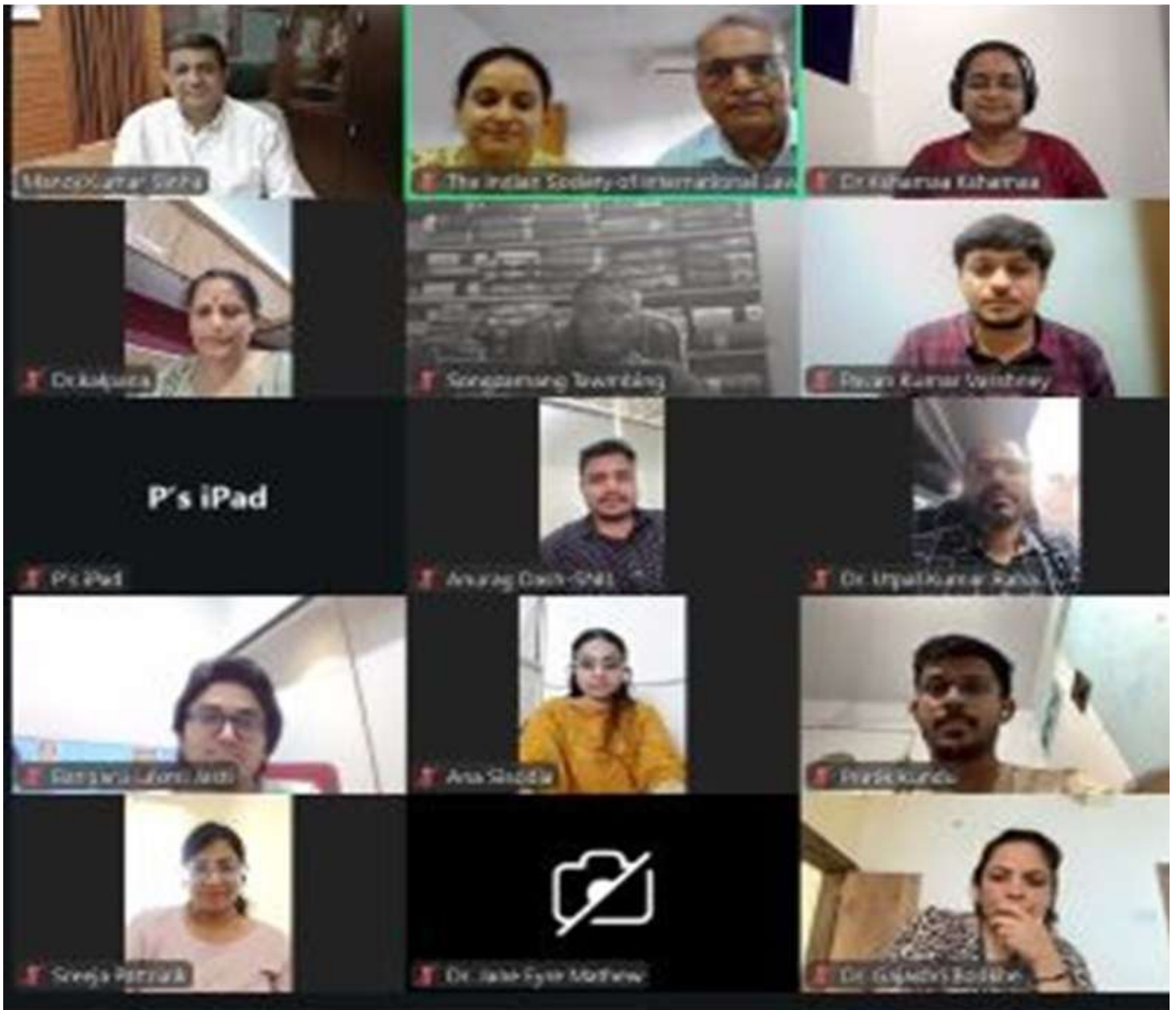
17 January 2026 in accordance with its article 68 (1), which reads as follows: "This Agreement shall enter into force 120 days after the date of deposit of the sixtieth instrument of ratification, approval, acceptance or accession."

The European Union approves the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration

On 25 September 2025, the European Union approved the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration, also known as the "Mauritius Convention on Transparency". The European Union becomes the tenth party to the Mauritius Convention on Transparency, which will enter into force for the European Union on 25 March 2026. The Mauritius Convention on Transparency provides States and regional economic integration organizations with an efficient mechanism for making the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration ("Rules on Transparency") applicable to investment treaties concluded prior to 1 April 2014. The Convention thus supplements pre-existing investment treaties with respect to transparency-related obligations. By becoming a party to the Convention, a State or regional economic integration organization expresses its consent to apply the Rules on Transparency to investor-State arbitration. The Rules on Transparency are a set of procedural rules that provide for transparency in treaty-based investor State arbitration and its accessibility to the public. Together with the Rules on Transparency, the Mauritius Convention on Transparency takes into account both the public interest in such arbitrations and the interest of the parties to resolve disputes in a fair and efficient manner.

ISIL EVENTS

Seven Days Faculty Development Programme (FDP) on International Humanitarian Law



ISIL has conducted a Seven-Day (ONLINE) Faculty Development Programme on International Humanitarian Law from 31 July-4 August 2025. Dr U C Jha, Secretary General, ISIL welcomed the Chief Guest Prof. (Dr) R. Venkata Rao, Vice Chancellor, India International University of Legal Education and Research (IIULER), Goa. Prof. (Dr)

Manoj Kumar Sinha, President, ISIL delivered the Keynote Address. The Inaugural Address was delivered by Prof (Dr) R. Venkata Rao, Vice Chancellor. Dr Kanika Sharma, Assistant Professor & FDP Coordinator delivered the formal vote of thanks. The programme covered various topics including Origin and Development of

International Humanitarian Law, Geneva Conventions and Additional Protocols; Classification of Armed Conflict; Outer space and IHL; IHL: Relations with International Human Rights Law and Refugee Law; Protection of the member of the Armed Forces/Shipwrecked; Protection of Prisoners of War, Problems of Foreign Fighters;

Protection of Civilians: Women and Children; Implementation of IHL in India; Duty to Respect and Ensure Respect for Geneva Conventions; Protection of Journalists in Armed Conflict; AI and IHL: Protecting civilians from harm caused by cyber operations during armed conflicts; Protection of Healthcare Workers in Armed Conflicts; Environmental protection during armed conflict; Prohibited Means and Methods of Warfare; Protection of Natural Environment and Cultural Property in armed conflict; New Military Technologies (Cyber capabilities, Autonomous Weapons, AI etc.) and IHL and War Crimes and

International Tribunals, International Criminal Court. Lectures were delivered by eminent speakers having expertise in the subject. Prof. (Dr) Manoj Kumar Sinha, President ISIL; Dr Srinivas Burra, Associate Professor, South Asian University; Prof (Dr) SG Sreejith, Professor and Executive Dean, Jindal Global Law School, O.P. Jindal Global University; Prof. (Dr) Benarji Chakka, Dean & Professor, School of Law, VIT- AP University; Dr UC Jha, Secretary General, ISIL; Prof (Dr) Sanoj Rajan, Distinguished Professor, Zhejiang Gongshang University, China; Ms Gunjan Chawla, Legal Adviser, ICRC; Dr

Kanika Sharma, Assistant Professor, ISIL; Dr Niteesh Kumar Upadhyay, Associate Professor, Dhirubhai Ambani University; Ms Swati S Parmar, Assistant Professor, Dharmashastra National Law University, Jabalpur; Dr Aneesh V. Pillai, Associate Professor, School of Legal Studies, Cochin University; Prof Aftab Alam, Professor, Aligarh Muslim University; Prof Dr Rashmi Salpekar, Dean, VIPS (TC); Prof. (Dr) K Ratnabali, Faculty of Law, Delhi University; and Prof (Dr) Anupam Jha, Professor-in-Charge, Law Centre II, Delhi University.

Panel Discussion on The International Court of Justice's Advisory Opinion on Climate Change



On 13 August, Centre for Advanced Studies on Environmental Law, Indian Society of International Law organized a panel discussion on The International Court of Justice's Advisory Opinion on Climate Change. The discussion was

organised by Dr Anwar Sadat, Senior Assistant Professor, ISIL and to speak on the topic Dr Luther Rangreji, Additional Secretary, Legal and Treaties Division, Ministry of External Affairs and India's Representative to the ICJ Advisory

Proceedings on Climate Change and Ms RV Anuradha, Partner Clarus Law Associates and Visiting Faculty, National Law School of India University, Bangalore were invited.

ISIL EVENTS

Certificate Course on Space Law

ISIL conducted a Three-Months ONLINE certificate course on Space Laws: Policies and Principles from 2 August-18 October 2025. The course began with the inaugural lecture by Lt Gen AK Bhatt (Retd), PVSM, UYSM, AVSM, VSM, Director General, Indian Space Association, New Delhi. The certificate course covered five modules on various aspects of space law including Foundation of International Law and Space Law; The International Space Law Framework; Contemporary Challenges in Space Law; Militarization and Weaponization of

Space and India's Approach to Space Law. Distinguished experts namely Gp Capt TH Anand Rao, Director, Indian Space Association, New Delhi; Prof. C Jayaraj, EC Member, ISIL; Prof Sandeepa Bhatt, NUJS, Kolkata; Ms Gunjan Chawla, Legal Adviser, International Committee of the Red Cross; Gp Capt Kishore Khera (Retd), Independent Researcher, Bangalore; Dr. Kumar Abhijeet, Legal Officer, GR-II, Legal & Treaties Division, Ministry of External Affairs; Prof. (Dr) SG Sreejith, Professor and Dean, OP Jindal Global University; Mr. Ritesh

Mehra, Assistant Professor, IILM Greater Noida; Dr Adithya Variath, Assistant Professor, O.P. Jindal Global University; Dr. Gurmeet Nehra, Assistant Professor, SRM University; Ms. Shrawani Shagun, PhD Scholar at National Law University, Delhi; Dr Biswanath Gupta, Associate Professor, OP Jindal Global University; Mr Aditya Vikram Sharma, Asst Prof, VIPS, New Delhi and Dr U C Jha, Secretary General, ISIL delivered lectures on the subject.

Two Day Training Programme on Human Rights In 21st Century: Issues and Concerns



The Indian Society of International Law, in collaboration with National Human Rights Commission (NHRC), New Delhi, convened a Two-day training programme on the theme "Human Rights in 21st Century: Issues and Concerns" on 25th -26th September 2025. Dr U C Jha, Secretary General, ISIL extended his greetings and welcomed the Chief Guest Hon'ble Justice V Ramasubramanian, Chairperson, NHRC, to the inaugural session.

Hon'ble Chairperson was felicitated with a token of gratitude and a set of publications including books, the Indian Journal of International Law (IJIL) by Prof (Dr) Manoj Kumar Sinha, President, ISIL.

The Training Programme commenced with the presidential address and opening remarks by Prof (Dr) Manoj Kumar Sinha, who introduced Hon'ble Chairperson, Justice V. Ramasubramanian, to the audience, referencing his work in

law and literature. Prof (Dr) Sinha emphasized on the need to understand International Law and International Human Rights Law not in isolation, but in the context of how they are implemented by the judiciary, citing the 2014 case of *Suchita Jha versus Ministry of Home Affairs* to highlight the importance of awareness of rights. Chief Guest, Sri V. Ramasubramanian, Hon'ble Chairperson, addressed the gathering highlighting the evolution

of human rights beginning with the Charter of Cyrus (539 BC) comprising six Articles and shifting of the approach of human rights to freedom of religion to more on to civil and political rights. He focussed on Civil and Political Rights as First Generation human rights; Economic, Social and Cultural Rights as Second Generation; collective rights including right to development, right to environment as Third Generation Human Rights. Further, focussing on the theme of Two-Day Training Programme, he highlighted the challenges related to human rights that are coming up in the 21st century including science of cryonics that raises the question about the right to seek preservation of dead bodies for future revival, right to gender identity and gender reassignment surgery. He wished all the participants very best for the Two-Day Training Programme with a quote "Money comes and goes whereas knowledge comes and grows." The inaugural session ended with a vote of thanks from Prof. V G Hegde, Executive President, ISIL;

and a brief outline of the day's agenda of the Two-Day Training Programme by Dr Kanika Sharma, Assistant Professor, ISIL.

The two day training programme deliberated on various issues including Introduction to Human Rights Law: International Law Standards; Enforcement of Human Rights; National Human Rights Law Framework; Protection Of Vulnerable Group (women, children minorities); Human Rights Protection During Armed Conflict; Human Rights Paradigm of Displaced Persons; Human Rights and Climate Change; New Dimensions of Human Rights in 21st Century: Prospects and Challenges (Right to Information, Privacy and Human Rights in Digital Era, Mental health, rights of police personals). Lectures were delivered by eminent resource persons viz. Prof. (Dr) Manoj Kumar Sinha, President, ISIL; Prof. V G Hegde, Executive President, ISIL; Dr U C Jha, Secretary General, ISIL; Prof. (Dr) Srinivas Burra, Vice President, ISIL;

Shri Devendra Kumar Singh, Former Secretary General, NHRC; Ms Delina Khongdup, Member, National Commission for Women (NCW); Advocate Vikram Srivastava, Independent Thought; Prof. Abdul Rahim Vijapur, Former Prof, Aligarh Muslim University; Ms Meher Dev, ICRC, New Delhi; Mr. Manish Jha, Executive Editor, TV 9 BHARATVARSH; Ms Ragini Zutshi, Associate Protection Officer, UNHCR; Dr Sujith Koonan, Associate Professor, CILS, JNU; Prof Rishikesh Dave, Dean, School of Law, Sharda University; Prof. (Dr) Anupam Jha, Treasurer, ISIL; Dr Shikhar Ranjan, Executive Council Member, ISIL; Dr Sunil Kumar Agarwal, Executive Council Member, ISIL; Dr Anwar Sadat, Senior Assistant Professor, ISIL and Dr Kanika Sharma, Assistant Professor, ISIL. The programme concluded with a valedictory address by Dr V G Hegde, Executive President, ISIL, distribution of certificate and vote of thanks by Dr Kanika Sharma, Assistant Professor, ISIL.

FORTHCOMING EVENTS

5 - 9 January 2026	15 th Winter Course on Debating International Environmental Law in 21 st Century
13 December 2025	Writing Workshop on "Asian Cities & International Law"(Offline)
12 December 2025	Panel Discussion on 75 Years of the Statute of UNHCR: Challenges and opportunities
9 December 2025	EU Environmental Law and Policy: Talk by Christian Dadomo, Former Senior Lecturer in Law, University of the West of England (Online)
25 November 2025	Monthly Seminar Series on Private International Law (PIL): Emerging Issues and Developments Topic: Child Custody, Abduction, and Relocation Across Borders: Balancing the Rights of the Child and the Parents in India and Beyond - Recent Cases from the Supreme Court of India, the High Court of Delhi, and Foreign Courts (Hybrid Mode)
17 November 2025	Special Lecture on "Reflections on the Influence of the US Declaration of Independence on International Law" by Judge Danielle J Forrest, US Court of Appeals for the Ninth Circuit.
06 November 2025	One-Day Seminar on "Protection of Environment During War and Armed Conflict" (Offline)
03 November 2025	Discussion on "International Law Relating to Criminology, Forensic Science, and Taxation" by delegates from Russia.
31 October-02 November 2025	24 th Henry Dunant Memorial Moot Court Competition on International Humanitarian Law jointly organized by The Indian Society of International Law (ISIL) and International Committee of the Red Cross (ICRC), New Delhi
29 October 2025	Monthly Series Lecture in Private International Law