



The Indian Society of International Law

NEWSLETTER

VOL. 8, NO. 2, April-June 2009

For members only

President
Ram Niwas Mirdha

Executive President
R. P. Anand

Vice Presidents
Narinder Singh
C. K. Chaturvedi
R. Venkat Rao

Treasurer
V. G. Hegde

Secretary General
Rahmatullah Khan

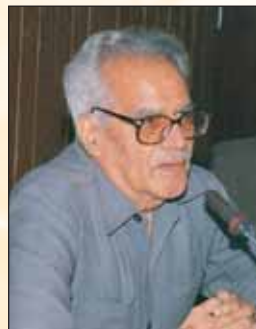
Director
S. K. Verma

INSIDE

Recent Activities	2-5
Recent Developments in International Law	5-6
Recent Articles	6-7
New Additions in ISIL Library	7-8
Current Issue of IJIL	8

Published by:
The Indian Society of International Law
V.K. Krishna Menon Bhawan,
9, Bhagwan Dass Road,
New Delhi-110001 (INDIA)
Tel.: 23389524, 23384458-59 Fax: 23383783
E-mail: isil@iasdl01.vsnl.net.in
Website: www.isil-aca.org

Editorial



At one level, discussions about threats to economic and financial stability, to achieve internationally agreed development goals including the Millennium Development Goals (MDGs) and issue of middle income and poor developing States' socio-economic disparities are depressingly familiar. Every IMF's meeting on the topic revolves around the same agendas: what to do with weighted voting system when it comes to socio-economic disparities, how to address the issue of conditionality that put social and economic constraint to the middle income and poor developing countries to adopt policies in national interests (economic performance targets established as a precondition for IMF loans), the specificity of IMF, the virtual reduction of economic agenda and to increase participation of low-income members. Every meeting discusses the need to bolster the national socio-economic conditions, food security and human development and put together a better social and economic infrastructure. There are also debates, repeated *ad nauseam* every year, about enhancement of SDRs allocations, global reserve system and ODA flows etc.

Nonetheless, the voting power of Low Income Countries (LICs) has eroded over time, in part because other countries' relative economic weight has increased. Moreover, the effect on total voting power of "basic votes" - an equal allocation of votes based on the principle of equality of states that was made when the IMF was founded - has declined in recent decades with successive rounds of quota increases. The IMF's Articles of Agreement do not indicate how quotas should be determined. The Executive Board has neither formally adopted nor endorsed any particular method for determining quotas or quota increases. The more complex issue of conditionality of IMF is harder to assess. There is no clear evidence whether the socio-economic conditions of poor and developing countries has been addressed in any substantial manner. The slow spread of review of 2002 Conditionality Guidelines of IMF which is on agenda since 2005 will in time undermine the IMF. Nothing positive can be said about IMF in terms of addressing socio-economic rights of individual, the basic brick and international financial institution. Poor regulation of cross-border activities of international economic institutions and wrenching debt crises, it is no surprise that IMF democratic functioning remains a dream. In fact, Joseph E. Stiglitz in his book *Globalisation and Its Discontents* criticized the IMF policies and argued that by converting to a more Monetarist approach, the fund no longer had a valid purpose. Economic crises led recent G-20 meet (industrialized and emerging market economies) to triple International Monetary Fund's (IMF) lending capacity to \$750 billion and enabling it to inject extra liquidity into the world economy. This meet once again saw India, China, Russia and Brazil call for greater voting rights for developing countries. Poor socio-economic condition is the issue beyond merely increasing lending capacity. As per South Center, 44% will go to the rich seven countries, while only \$80 billion will go to the middle-income and poor developing countries. The economic conditions of the sub-saharan countries and Latvia worsened after they have followed the IMF conditionalities.

My object is not to retrace the fairly familiar terrain of establishing the relationship between the IMF and human rights, or to argue the proposition, now well accepted, that international economic laws are part and parcel of the discipline of international law, but to remind the international community that Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is likely to become reality. Finally, insofar as the current situation is concerned, the restrictive policies of IMF towards developing countries do not provide climate in which any developing state can be persuaded to become a party to Optional Protocol.

Ram Niwas Mirdha

RECENT ACTIVITIES

THIRTY EIGHTH ANNUAL CONFERENCE OF THE INDIAN SOCIETY OF INTERNATIONAL LAW

Indian Society of International Law (ISIL) organized its 38th Annual Conference on 17-18 April 2009 at V. K. Krishna Menon Bhawan (ISIL), New Delhi. More than 200 delegates comprising law faculty members, researchers, students and lawyers from different parts of the country and representatives from several embassies and ministries participated in the Conference. Shri Ram Niwas Mirdha, President, ISIL, while welcoming the distinguished guests and the delegates, mentioned the significance of the Annual Conference of ISIL and the need for participating in such a conference. He said in his inaugural address, that international law is gaining much importance in various ministries over the years. He strongly argued for increased emphasis on international law in the law schools and colleges and the need to appoint a proper faculty to teach this subject as the subject has wider ramifications and implications on many aspects of day-to-day activities as well. Prof. R. P. Anand, Executive President, ISIL in his address strongly emphasized on the need to train scholars in international law to counter the hegemony of western scholars' writing. He highlighted achievements of ISIL in bringing scholars from all over the world to one platform in the last 50 years. He also stressed that scholars should revisit the writings on NIEO a demand of poor and developing countries.

Three sessions were organized to discuss three themes. The first session was on the '*Role of the Indian Society of International Law in the Promotion of International Law*' which was chaired by Prof. R. P. Anand, Executive President, ISIL. Eminent panelists namely Prof. S. K.



Verma, Professor of Law, Delhi University, Delhi, Shri C. Jayaraj, Former Secretary General, ISIL, Dr. Luther Rangreji, Legal Officer, L&T Division, MEA, Government of India, Prof. Manoj Kumar Sinha, Professor of Law, NUJS, Kolkata, Dr. Burra Srinivas, Senior Legal Officer, ICRC, New Delhi presented papers. The second session titled on the theme '*ILC Draft Articles on State Responsibility*' was chaired by Prof. J. L. Kaul, Professor of Law, Delhi University, Delhi. Eminent panelists namely Prof. B. C. Nirmal, Banaras Hindu University, Banaras and V. Sheshia Shastri, Associate Professor, National Law School,, Jodhpur presented papers.

The third session titled on the theme '*The Problems of Cross Border Terrorism Jurisdictional and Other Issues*' was chaired by Prof. Rahmatullah Khan, Secretary General, ISIL. Eminent panelists namely, Dr. R. K. Dixit, Treasurer, ISIL, Dr. V. M. Peshwe, Pune, Prof. J. L. Kaul, Delhi University, Delhi, Prof. Manik Chakrabarty, University of Burdwan, Burdwan, spoke on various aspects of the theme. Finally, Prof. Rahmatullah Khan, Secretary General, ISIL gave vote of thanks.

TWO DAY TRAINING WORKSHOP FOR THE INDIAN FOREST SERVICE OFFICERS ON INTELLECTUAL PROPERTY RIGHTS AND WTO ACCOUNTABILITY SCOPE OF PATENTING

Indian Society of International Law (ISIL) conducted *Two-days Training Workshop on Intellectual Property Right and WTO Accountability – Scope of Patenting* for Indian Forest Service Officers at its premises on 23 and 24 April 2009. The following themes were undertaken in the Programme: 1. International & National Patent Laws; 2. WTO-TRIPS and Indian Cases in WTO and Its Implications; 3. TRIPS, Convention on Biological Diversity and Traditional Knowledge. There were lectures and presentations on the themes of international and national economic law. The faculty of the orientation course consisted of eminent international law scholars, namely, Prof. S. K. Verma, Professor of Law, Delhi University, Delhi, Dr. V. G. Hegde, Associate Professor, JNU, New Delhi, Dr. Ravindra Pratap, Assistant

Professor, GGSIP University, Delhi. Prof. R. P. Anand, Executive President, ISIL, gave concluding remarks and distributed certificates to the Officers.

ONE WEEK TRAINING COURSE FOR THE INDIAN ECONOMIC SERVICE OFFICERS ON INTERNATIONAL AND NATIONAL ECONOMIC LAW

ISIL conducted a Training Programme for Indian Economic Services on International and National Economic Law sponsored by the Ministry of Finance, Government of India, at its premises from 18 May to 22 May 2009. Prof. R. P. Anand, Executive President, ISIL, inaugurated the programme and highlighted the importance of international economic law in increased globalised society. Prof. Anand gave an introductory lecture to the Officer-Trainees. There were lectures and presentations on a variety of themes of international and national economic law. The faculty of the training course consisted of eminent international law scholars. Prof. Anand, gave concluding remarks and distributed certificates to the Officer-Trainees.

EIGHTH SUMMER COURSE ON INTERNATIONAL LAW

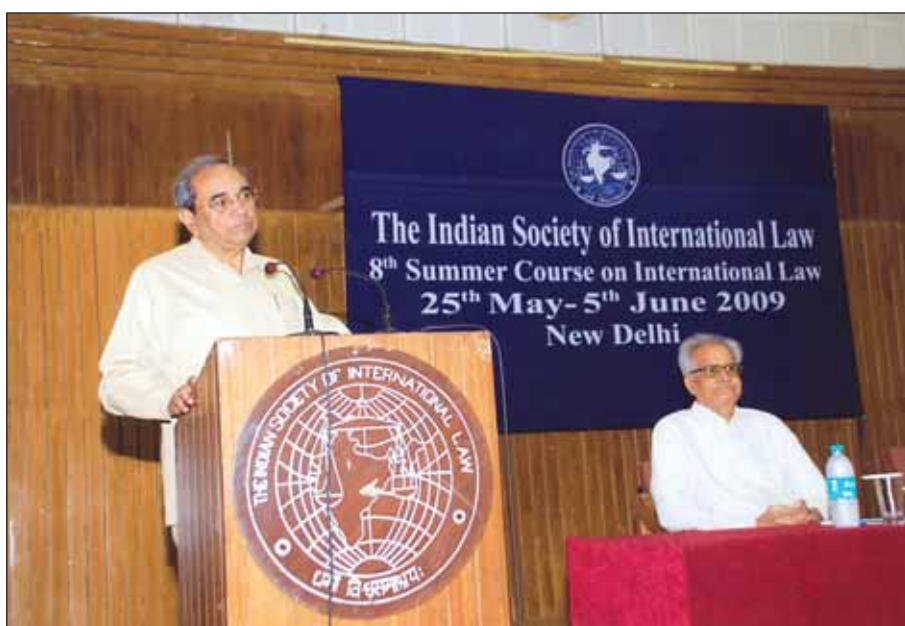
ISIL organized its Eighth Summer Course on International Law at its premises from 25 May – 5 June 2009. The Course received a huge response of 450 participants from all parts of the countries. The Summer Course was intended to introduce all branches of international law and highlight contemporary issues to the participants. The Course was inaugurated by Hon'ble Shashank, Indian Diplomat, President of Association of Indian Diplomat. He emphasized today's need of

basic knowledge of international law. He noted the influence of international law on national laws and institutions. He emphasized the need of restructuring UN institutions, development of international law instrument on terrorism, capacity building programmes in various sectors etc. Shri Ram Niwas Mirdha, President, ISIL, in his welcome address, narrated the purpose and the importance of the course.

The substantive lectures of the Course were spread over two weeks. Lectures were delivered on vital and contemporary areas of international law, viz., General Principles of Public International Law, Introduction to Private International Law, International Institutions, International Human Rights, International Humanitarian and Refugee Law, International Criminal Law, Maritime Law, Public International Trade Law, National and International Arbitration, International Environmental Law and Sustainable Development. The faculties for the Summer Course comprised of eminent international law experts. The Course witnessed lively interactions and discussion by the participants.

SPECIAL LECTURE BY PROFESSOR JON VAN DYKE, PROFESSOR OF INTERNATIONAL LAW, UNIVERSITY OF HAWAII, HONOLULU, USA

ISIL organised a special lecture on "*Liability for Nuclear Accident*" by Prof. Jon Van Dyke, Professor of International Law, University of Hawaii, Honolulu, USA on 26 May 2009 at its premises. Prof. Dyke critically analysed the body of customary international environmental law which has its foundation in cases such as the Trail Smelter Arbitration, that utilized the no-harm rule and the polluter-pays principle, and it is now drawing upon more specific norms that build on these earlier rules, such as the precautionary principle and the principle of sustainable development. He argued that the specific obligation to provide restitution and compensation when nuclear activities cause injuries has been recognized repeatedly and is now certainly part of customary international law. But problems remain regarding how to measure damages, how to implement the duty to repair the injuries, and what specific





obligations exist to protect neighbouring States from transboundary pollution. He concluded that the failure to develop a proper regime that would ensure full restitution and compensation for harm resulting from nuclear facilities constitutes a continuing subsidy to the nuclear industry and distorts decisions regarding energy choices. The effort to update international nuclear law must, therefore, continue until a proper liability and compensation regime is established. The Lecture witnessed lively exchange of views with the audience on his presentation.

**V. K. KRISHNA MENON
MEMORIAL LECTURE BY
HON'BLE SHRI K. C. PANT,
FORMER DEFENCE MINISTER
AND FORMER DEPUTY
CHAIRMAN, PLANNING
COMMISSION OF INDIA**

In the memory of Shri V. K. Krishna Menon, former President and founder of ISIL, the ISIL organized its Ninth V. K. Krishna Menon Memorial Lecture on 29 May 2009 at its premises. Shri Ram Niwas Mirdha, President, ISIL, welcomed the chief guest

Shri K. C. Pant, Former Defence Minister and Former Deputy Chairman, Planning Commission of India and the distinguished gathering. Shri Pant delivered Krishna Menon lecture on the topic "*National Security and International Law*" and recalled the days when he was a Member of Parliament in 1962, where he had occasion to hear his brilliant speeches. Naturally combative, gifted and skillful as a debater, Mr. Menon could be prickly when provoked. Endowed with a formidable intellect, Mr. Menon was a man of conviction as well as action, driven by his deep patriotism and love for country. Shri Pant said that while it is true that globalization requires countries voluntarily to surrender some aspects of their sovereignty, it isn't true that sovereignty is equally surrendered as between the more powerful and the weaker states, with power being defined solely in terms of military might. In the event, it is protection of a country's military edge that is at a premium for governments. Thus, President Obama's plan for nuclear disarmament unveiled by him in Prague recently demands far more of countries that have weaponized lately such as India, Pakistan and Israel than it does of the established five powers with bulging nuclear

weapons inventories, namely the USA, Russia, China, France and the United Kingdom. It is demanded of India that it sign the Non-Proliferation Treaty and the Comprehensive Test Ban Treaty, essentially to "cap, freeze and rollback" its nuclear programme, even as the five countries with the largest nuclear stockpiles are allowed, under the Obama Plan, to continue to modernize their nuclear arsenals. There is no sense of equity or fairness here, only a determination to safeguard the US nuclear clout and national security interests. In general, it is the mindset behind this skewed scheme of the weaker and poorer countries being required to sacrifice more for the commonweal than the richer and stronger countries that drives the potential international laws to contain climate change and limit environmental degradation and the negotiations for a new system of global trade and tariff – the Doha Round.

Curiously then, we may be returning to an era when international law is less meaningful. When the use of force by the strong and the economically powerful is not mitigated by the force of international law, and in fact international law, including laws relating to war and the conduct of war codified in the Vienna Convention on the Law of Treaties, are routinely subverted to serve the national interests of the powerful, then vulnerable nations will have to behave as if there are no legal or institutional constraints to save and protect them. This is a recipe for international anarchy and will require countries that can afford it to arm themselves maximally, to in effect become military porcupines that can deter serious assault owing to the threat posed by their military quills.

If the powerful states see international law as a mere handmaiden of their policies,

RECENT ACTIVITIES/ RECENT DEVELOPMENT

then there is little hope of its gaining ready acceptance by lesser countries as a template for their actions and the basis for their behaviour, and the affairs of the world will be dictated by the "law of the jungle" with every country bent on its own territorial and other aggrandizement. But all is not bleak. International norms and conventions, rules and regulations, derived from customary and common law still have the capacity to oversee peaceful interaction and engagement, such as trade. What needs to be worked on is a mechanism to bring the powerful within its ambit. Because the proof of good law is that the strongest subscribe to it even when it rules against their interests. Alas! we have far to go in this respect.

Prof. R. P. Anand, Executive President, ISIL highlighted and underlined the important issues undertaken in the lecture delivered by Hon'ble Shri K. C. Pant. Dr. Luther Rangreji, Member, Executive Council, ISIL gave a vote of thanks.

ELECTION TO THE EXECUTIVE COUNCIL OF THE INDIAN SOCIETY OF INTERNATIONAL LAW

Election to the Executive Council (EC) of the Indian Society of International Law was held on 18 April 2009 at ISIL premises.

Following are the members of the newly elected EC: President - Shri Ram Niwas Mirdha; Executive President - Prof. R. P. Anand; Vice Presidents – Shri Narinder Singh, Shri C. K. Chaturvedi and Prof. R. Venkat Rao; Treasurer - Dr. V. G. Hegde; other 12 members of EC are – Prof. (Mrs.) S. K. Verma, Prof. B. C. Nirmal, Dr. A. S. Reddy, Dr. Luther Rangreji, Shri Shikhar Ranjan, Dr. Aftab Alam, Shri D. S. Mohil, Shri Sanjay Parikh, Shri G. G. Hegde, Dr. Burra Srinivas, Prof. J. L. Kaul, Dr. (Mrs.) Satpal Nalwa. Prof. Rahmatullah Khan and

Prof. (Mrs.) S. K. Verma are chosen as Secretary-General and Director of the ISIL respectively by the newly elected EC.

RECENT DEVELOPMENT

US – ZEROING (EC) (DS294)

On 11 June 2009, the DSB adopted the Appellate Body Report in the case United States - Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing"): Recourse to Article 21.5 of the DSU by the European Communities (DS294). The Summary of the case is: Reversing the Panel, the Appellate Body found that the zeroing methodology, as applied by the United States in the administrative reviews at issue, was inconsistent with ADA Art. 9.3 and GATT Art. VI:2, as it resulted in amounts of anti-dumping duties that exceeded the foreign producers' or exporters' margins of dumping. Under ADA Art. 9.3 and Art. VI:2 (GATT), investigating authorities are required to ensure that the total amount of anti-dumping duties collected on the entries of a product from a given exporter shall not exceed the margin of dumping established for that exporter.

The Appellate Body also agreed with the Panel that, conceptually, zeroing is not 'an allowance or adjustment' falling within the scope of Art. 2.4, third to fifth sentences, which covers allowances or adjustments that are made to take into account the differences relating to characteristics of the export and domestic transactions, such as differences in conditions and terms of sale, taxation, levels of trade, etc. Thus, the Appellate Body upheld the Panel's finding that zeroing is not an impermissible allowance or adjustment under Art. 2.4, third to fifth sentences.

With regard to Zeroing methodology, although it disagreed with some aspects of the Panel's reasoning, the Appellate Body upheld the Panel's finding that the United States' zeroing methodology (which is not in a written form), as it relates to original investigations in which the weighted-average-to-weighted-average comparison method is used to calculate margins of dumping, can be challenged, as such, in WTO dispute settlement (given the sufficient evidence before the Panel), and that it is a "norm" that is inconsistent, as such, with ADA Art. 2.4.2 (original investigation) and GATT Art. VI:2.

The Appellate Body found that an unwritten rule or norm can be challenged as a measure of general and prospective application in WTO dispute settlement. It emphasized, however, that particular rigour is required on the part of a panel to support a conclusion as to the existence of such a "rule or norm" that is not expressed in the form of a written document. A complaining party must establish, through sufficient evidence, at least (i) that the alleged "rule or norm" is attributable to the responding Member; (ii) its precise content; and (iii) that it does have "general and prospective" application.

NEW MEMBERS OF WTO APPELLATE BODY

Messrs Ramirez and Van den Bossche will replace Mr Luiz Olavo Baptista and Mr Giorgio Sacerdoti to the WTO Appellate Body. The DSB also agreed to reappoint Mr David Unterhalter for a second term of four-year starting on 12 December 2009.

EIGHTEEN COUNTRIES ELECTED TO UN HUMAN RIGHTS COUNCIL

The General Assembly, on 12 May 2009, elected 18 countries to serve on the

United Nations Human Rights Council for three-year terms starting next month, including for the first time Belgium, Hungary, Kyrgyzstan, Norway and the United States. The Assembly also re-elected Bangladesh, Cameroon, China, Cuba, Djibouti, Jordan, Mauritius, Mexico, Nigeria, Russia, Saudi Arabia, Senegal and Uruguay. All 18 members elected will begin their terms on 19 June 2009.

SHINYA MURASE BECAME MEMBER OF ILC

Mr. Shinya Murase (Japan) elected to the International Law Commission (ILC), at the 2998th meeting, on 4 May 2009, to fill the casual vacancy arising from the resignation of Mr. Chusei Yamada (Japan).

REPUBLIC OF KOSOVO JOINS ICSID

The Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention) was signed on 29 June 2009 by the Republic of Kosovo. Before signing the ICSID Convention, the Republic of Kosovo became a member of the International Monetary Fund (IMF) and of the International Bank for Reconstruction and Development (IBRD). The Republic of Kosovo also joined the International Development Association (IDA), the International Finance Corporation (IFC), and the Multilateral Investment Guarantee Agency (MIGA).

The Republic of Kosovo also deposited its Instrument of Acceptance of the ICSID Convention with the World Bank, which acts as the depositary of the Convention. The ICSID Convention will enter into force for the Republic of Kosovo on July 29, 2009, following the completion of all requirements for ICSID membership.

THE PROSECUTOR v. CALLIXTE KALIMANZIRA CASE NO. ICTR-05-88-T

On 22 June 2009, the Chamber of the International Criminal Tribunal on Rwanda (ICTR) delivered its judgement in the case of the *Prosecutor v. Callixte Kalimanzira*. The summary of the case is: The Indictment charges on Mr. Kalimanzira are on three counts: genocide; or, in the alternative, complicity in genocide; and direct and public incitement to commit genocide. All of the alleged events on which these charges are based occurred from April through June 1994, in Butare préfecture. Kalimanzira is a native of Butare préfecture and was born in 1953. The Prosecution alleges that, from 6 April to 25 May 1994, he acted, functionally, as the Minister of the Interior in Faustin Munyazesa's absence. He is also alleged to have been a high-ranking member of the MRND party and to have acted as the master of ceremonies at the MRND Palace meeting on 19 April 1994 aimed at triggering killings of Tutsis in Butare préfecture to parallel those already underway throughout the rest of country. Thus in brief, Kalimanzira, who was well-liked and highly respected by the local population, is accused of abusing his authority to instruct, encourage and prompt the population of Butare préfecture to kill their Tutsi neighbours. The Defence contends that Kalimanzira was not a political man, but someone who worked to develop and empower his local community, Tutsi and Hutu alike, through the use of agriculture. He is presented as having discharged his duties as a civil servant with honour and integrity, without ever having harbored any anti-Tutsi sentiment in his life. Upon becoming Directeur de Cabinet of the Ministry of the Interior, Kalimanzira insists he was merely a

technocrat, without any political authority. Apart from a few specified occasions, he claims to have remained in Gitarama préfecture throughout April and May 1994, and at home in Butare ville throughout June. This is Kalimanzira's alibi in defence of most of the incidents alleged by the Prosecution. The Chamber has found direct and circumstantial evidence that in committing his crimes, Kalimanzira held the requisite specific intent characterizing the crime of Genocide, which is the intent to destroy, in whole or in part, the Tutsi group, as such. The Trial Chamber finds unanimously in respect of Callixte Kalimanzira guilty of genocide and guilty of direct and public incitement to commit genocide.

ACCESSION BY PANAMA TO THE UNIDROIT CONVENTION ON CULTURAL OBJECTS

On 26 June 2009, the Government of the Republic of Panama made an accession to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted in 1995. It was deposited with the Italian Government, Depositary of the Convention. The Republic of Panama made declarations under Articles 3(5) and 16(1) of the Convention. The Convention will enter into force for the Republic of Panama on 1 December 2009.

RECENT ARTICLES

Steele, Molly, "Challenges to Enforcing Arbitral Awards against Foreign States in the United States", *The International Lawyer*, vol. 42, no. 1 (2008), pp. 87-112.

Deva, Swati, "Foreign Venture Capital Investment: The Indian Experience", *The International Lawyer*, vol. 42, no. 1 (2008), pp. 177-192.

RECENT ARTICLES/ NEW ADDITIONS IN ISIL LIBRARY

Collins, David, "Reliance Remedies at the International Center for the Settlement of Investment Disputes", *Northwestern Journal of International Law & Business*, vol. 29, no. 1 (2009), pp. 195-216.

Sassoli, Marco, "The Relationship between International Humanitarian and Human Rights Law Where It Matters: Admissible Killing and Internment", *International Review of the Red Cross*, 90(871), (2008), pp. 599-628.

Meyer, Timothy, "Soft Law as Delegation", *Fordham International Law Journal*, vol. 32, no. 3 (2009), pp. 888-942.

Petersmann, Ernst-Ulrich, "Human Rights, International Economic Law and Constitutional Justice: A Rejoinder to Robert Howse", *European Journal of International Law*, vol. 19, no.5 (2009), pp. 955-960.

Islam, MD. R., "Preferential Trade Agreements and the Scope of GATT Article XXIV, GATS Article V and the Enabling Clause: An Appraisal of Islam", *Netherlands International Law Review*, vol. 56, no. 1 (2009), pp. 1-34.

Schwenzer, Ingeborg, "The CISG - Successes and Pitfalls", *The American Journal of Comparative Law*, vol. 57 no. 2 (2009), pp. 457-478.

Oda, Shigeru, 'Reconceptualization of the International Rule of Law in a Globalizing World,' *Japanese Yearbook of International Law*, vol. 51 (2008), pp. 3-20.

Xue, Dayuan, "China's Legal and Policy Frameworks for Access to Genetic Resources and Benefit-sharing from their Use", *RECIEL*, vol. 18, no. 1 (2009), pp. 77-90.

NEW ADDITIONS

Ackerly, Brooke A., *Universal Human Rights in a World of Difference* (Cambridge University Press, UK, 2008).

Basu, Durga Das, *Commentary on the Constitution of India*. 8th ed., Vol. 3 (Lexis Nexis Butterworths Wadhwa, Nagpur, 2008).

Basu, Durga Das, *Commentary on the Constitution of India*. 8th ed., Vol. 4 (Lexis Nexis Butterworths Wadhwa, Nagpur, 2008).

Basu, Durga Das, *Commentary on the Constitution of India*. 8th ed., Vol. 5 (Nagpur, Lexis Nexis Butterworths Wadhwa, 2008).

Bharti, Dalbir, *Women and the Law* (APH Publishing Corporation, New Delhi, 2008).

Bianchi, Andrea and Keller, A., eds., *Counterterrorism: Democracy's Challenge* (Hart Publishing, Oxford and Portland, 2008).

Brownlie, Ian, ed., *Basic Documents in International Law*, 6th ed., (Oxford University Press, New York, 2009).

Carvalho, Nuno Pires de, *The TRIPS Regime of Antitrust and Undisclosed Information* (Kluwer Law International, Hague, 2008).

Chao, Yang-Ching and others, eds., *International and Comparative Competition Laws and Policies* (Wolters Kluwer (India) Pvt. Ltd., New Delhi, 2008).

Charny, I.W., *Fighting Suicide Bombing: A Worldwide Campaign for Life* (Pentagon Press, New Delhi, 2007).

Chaudhry, Praveen K. and Marta, Nanduzer-Show, M., (eds), *The United States and India: A History through Archives* (Sage Publications, New Delhi, 2008).

Dauvergne, Catherine, *Making People Illegal: What Globalization Means for Migration and Law* (Cambridge University Press, UK, 2008).

Ginbar, Yuval, *Why not Torture Terrorists?: Moral, Practical and Legal Aspects of the 'ticking bom' Justification for Torture* (Oxford University Press, New York, 2008).

Irving, Helen, *Gender and the Constitution: Equity and Agency in Comparative Constitutional Design* (Cambridge University Press, UK, 2008)

Lowenfeld, Andreas F., *International Economic Law*, 2nd ed., (Oxford University Press, New York, 2008).

Lynch, Andrew others, eds., *Law and Liberty in the Wor on Terror* (Federation Press, NSW, 2007).

Meerts, Paul, ed., *Culture and International Law* (Hague Academic Press, Netherlands, 2008).

Melzer, Nils, *Targeted Killing in International Law* (Oxford University Press, New York, 2008).

Moghaddam, Fathali M., *From the Terrorists' Point of View: What They Experience and Why They Come to Destroy* (Pentagon Press, New Delhi, 2008).

Mugwanya, George William, *The Crime of Genocide in International Law: Appraising the Contribution of the UN Tribunal for*

NEW ADDITIONS IN ISIL LIBRARY

Rwanda (Cameron May Ltd., London, 2007).

Panagariya, Arvind, *India: The Emerging Giant* (Oxford University Press, New York, 2008).

Patil, B.S., *The Law of Arbitration and Conciliation* (Mrs. S.B.Patil, Pune, 2008).

Research, Reference and Training Division, comp., *India 2009: A Reference Annual* (Publication Division, Min. of IB, GOI, India, 2009).

Schmitt, Michael N. and others, eds., *International Law and Armed Conflict: Exploring the Faultlines: Essays in Honour of Yoram Dinstein* (Martinus Nijhoff Publishers, Leiden, 2007).

Tsang, Steve, ed., *Intelligence and Human Rights in the Era of Global Terrorism* (Pentagon Press, New Delhi, 2008).

Valeriano, Napoleon D. and Bohannan, C.T.R., *Counter-Guerrilla Operations: The Philippine Experience* (Pentagon Press, New Delhi, 2008).

Wouters, Jan and others eds., *The Europeanisation of International Law: The Status of International Law in the EU and Its Member States* (T.M.C. Asser Press, UK, 2008).

WTO, *WTO Analytical Index: Guide to WTO Law and Practice*. 2nd ed., Vol. 1 (Cambridge University Press, UK, 2007).

WTO, *WTO Analytical Index: Guide to WTO Law and Practice*. 2nd ed., Vol. 2 (Cambridge University Press, UK, 2007).

Current Issue of Indian Journal of International Law April-June 2009, Vol. 49, No. 2

CONTENTS

ARTICLES

Troubled Waters between Chile and Peru: Early Reflections on a Maritime Boundary Claim

Ximena Hinrichs Oyarce

Non-Discrimination and Equality of Opportunity in Education and UNESCO's Convention against Discrimination in Education: Recent Developments in International Law, with Reference to India

Kishore Singh

Strengths and Limitations of the Kyoto Protocol: Compliance Mechanism

Anwar Sadat

SHORTER ARTICLE

Enforcement of Foreign Awards under the Arbitration and Conciliation Act, 1996:

A Review of the Supreme Court Judgement in Venture Global Case

Nidhi Gupta

NOTES AND COMMENTS

Understanding the Rule of Law: Domestic and International

Sanjay Parikh

Ninth V.K. Krishna Menon Memorial Lecture on "National Security and International Law"

Krishna Chandra Pant

OFFICIAL DOCUMENTS

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008

United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, 2008

BOOK REVIEW

C. M. Correa (ed.), *A Guide to Pharmaceutical Patents*

Tina Kuriakose-Jacob

SELECT BIBLIOGRAPHY AND NEW ACQUISITIONS

Select Articles on International Economic and Trade Law, Law of the Sea and Arbitration

New Acquisitions to the ISIL Library from April to June 2009