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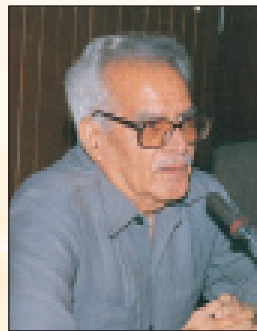
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Editorial



Economic development of the Third World countries is a matter of concern not only for the developing countries but also for the developed nations. With almost one-third of the total population of the developing countries still languishing under abject poverty, with per capita income of less than 1 US dollar per day, the problem calls for urgent action on a war footing. The international community realises that the war on poverty requires massive induction of accomplish eradication of poverty. The world community has expressed its grave concern on several occasions about the issue and has urged an equitable and sustainable growth in the developing countries as a panacea. A target has been fixed to achieve this goal by the UN General Assembly. In September 2000, at the United Nations Millennium Summit, the 191 member countries of the United Nations agreed to a set of eight Millennium Development Goals (MDGs) for the world's poor nations. In particular, the international community

committed, in the MDGs, to cut extreme poverty by half by 2015 and to banish extreme poverty by 2025. The 8 MDGs seek to (1) eradicate extreme poverty and hunger; (2) achieve universal primary education; (3) promote gender equality and empower women; (4) reduce child mortality; (5) improve maternal health; (6) combat HIV/AIDS, malaria and other diseases; (7) ensure environmental sustainability; and (8) develop a global partnership for development. 18 targets and 48 indicators have been adopted to monitor the MDGs. These goals, targeted for fulfillment by 2015, have since become the fulcrum for public policy discussions and actions concerning economic and social development. Meetings and conferences on the goals under the auspices of the United Nations and the concerned government agencies of member countries have been held regularly since 2001, most recently at the 2005 Millennium+5 Summit. The aim of these meetings and conferences has been to reiterate the goals, reaffirm the commitment of countries and to assess the extent to which progress has been made toward their fulfillment by the States.

With support from the United Nations, many developing countries, particularly in Africa, have made advanced impressive strategies to achieve the MDGs. Several developing countries are demonstrating that rapid and large-scale progress towards the MDGs is possible only when strong government leadership adopts the policies and strategies that effectively target the needs of the poor. Obviously, the policies and strategies adopted by the States for fulfillment of MDGs should get adequate financial and technical support from the international community.

India is committed to attaining the MDGs by the year 2015. The first country report on MDGs was released on 13 February 2006. This report highlighted India's achievements, challenges and policies with reference to the goals and targets which also revealed that there have been substantial improvements in the lives of people of the countries over the years. This has been possible due to the planned and determined implementation of programmes despite the enormous and complex problems and diversities of our nation. The Central and State Governments have set up goals to achieve the MDGs. With the well thought out planning, comprehensive development strategies devised in the national policy, and matching implementation process, it is hoped that India will be able to meet the challenges and achieve all the MDG targets in time.

Success in achieving the MDGs in the poorest and most disadvantaged countries cannot be accomplished by these countries alone. Developed countries need to deliver fully on longstanding commitments to achieve the official development assistance (ODA) target of 0.7 per cent of gross national income (GNI) by 2015. It requires, in particular, the Group of 8 industrialized nations to live up to their 2005 pledge to double aid to Africa by 2010 and European Union Member States to allocate 0.7 per cent of GNI to ODA by 2015. It is also necessary that Bretton Woods Institutions reorient their lending strategies in a manner that enables the borrowing countries to achieve MDGs. Lot more needs to be done in this regard.

Ram Niwas Mirdha

ISIL ACTIVITIES

UGC Refresher Course on Human Rights and Social Justice, and International Humanitarian and Refugee Law

ISIL organized the first UGC Refresher Course on Human Rights and Social Justice, International Humanitarian and Refugee Law, for international relations and social science teachers from 9th to 28th July 2007. Prof. Rahmatullah Khan, Secretary General, ISIL, inaugurated the Course. In his address, he highlighted the contemporary developments in areas undertaken for the Course. Eminent professors and scholars from prestigious universities and institutions, including International Committee of Red Cross, New Delhi and United Nations High Commissioner for Refugee, New Delhi, delivered lectures on a variety of themes of human rights and social justice, and international humanitarian and refugee law. About 50 teachers participated in this UGC Refresher Course. Major General Nilendra Kumar, Judge Advocate General, India delivered valedictory address and distributed certificates to the participants.

Training Programme for Indian Forest Officers on Intellectual Property Rights and WTO Accountability – Scope of Patenting

ISIL organized Training Programme for Indian Forest Officers on Intellectual Property Rights and WTO Accountability – Scope of Patenting from 6th to 10th August 2007. Shri Ram Niwas Mirdha, President, ISIL, inaugurated the programme and highlighted the importance of the theme which has become crucial to be understood by the forest service officers in the globalised world. There were lectures and presentations on a variety of topics of the theme "Intellectual Property Rights and WTO Accountability – Scope of Patenting". Eminent scholars and practitioners delivered lectures in the training programme.

UGC Refresher Course on International Law

ISIL organized Fifth UGC Refresher Course on International Law for law teachers from 3rd to



22nd September 2007. About 25 law teachers participated in this UGC Refresher Course. Eminent professors and scholars from prestigious universities, institutions and international organizations delivered lectures on a variety of themes of international law. Shri Sanjay Parikh, eminent lawyer on environmental issues, delivered valedictory address and distributed certificates to the participants.

Seventh Henry Dunant Memorial Moot Court Competition

ISIL and the International Committee of the Red Cross (ICRC), New Delhi, organized the Seventh

Henry Dunant Memorial Moot Court Competition at its premises from 13th to 16th September 2007. Prof. Rahmatullah Khan, Secretary General, ISIL, gave welcome address. On this occasion Hon'ble Justice Rajinder Sachar, Former Delhi High Court Judge, gave inaugural address. He appreciated team members participations and underlined the importance of the event in the present days which equip the students to develop skills and create asset for the bar of the country. Mr. Philippe Stoll, Communication Co-ordinator, ICRC, New Delhi, also addressed to the gathering and spoke about the importance of the subject of the moot court competition and highlighted the contribution of the ICRC in the development of international humanitarian law.



FORTHCOMING EVENTS

Third South Asian Regional Henry Dunant Memorial Moot Court Competition, 26-28 October 2007

Training Programme on International Humanitarian Law, 13 – 20 November 2007

International Conference on International Environmental Law, 8-9 December 2007

International Seminar on "Recent Trends in Research & Teaching of International Law", 10 December 2007.

Seminar to Mark the 25th Anniversary of the United Nations Convention on the Law of the Sea, 10 December 2007

Participants from fifty-six law universities and colleges came to participate in the Competition. The Competition was concluded in four stages, preliminary, quarter-final, semi-final and final rounds. The participants were judged on the basis of written memorials, appreciation of facts and law, advocacy skills, use of authorities and citations, general impression and court manners. Eminent professors, legal officers and international law scholars judged the teams in preliminary, quarter-final and semi-final rounds. Hon'ble Justice Shri Madan B. Lokur, Hon'ble Justice Shri Ravindra Bhatt, Hon'ble Justice Dr. S. Muralidhar, Judge Delhi High Court were the final round judges. NALSAR University of Law, Hyderabad, and ILS Law College, Pune, were the winner and runner up of the Competition respectively. Mr. Yamen Verma, National Law School, Bangalore, was adjudged Best Advocate, Ms. Vandana Gulati, ILS Law College, Pune, won the Best Researcher award, and Hidaytullah National Law University, Raipur, also won Best Memorial award in this Competition. Hon'ble Justice Shri Madan B. Lokur gave valedictory address on the occasion.

Convocation and Inaugural of P. G. Diploma and Certificate Courses of the Indian Academy of International Law, ISIL, New Delhi

ISIL organized the *Convocation for Awarding of Post Graduate Diploma Certificates* on 3rd September 2007. The ceremony was also



marked to inaugurate Post Graduate Diploma and Certificate Courses (2007-08). Prof. Rahmatullah Khan, Secretary General, ISIL, welcomed and introduced the chief guest Hon'ble Justice Shri Madan B. Lokur, Delhi High Court and invited him to inaugurate the ceremony. Hon'ble Justice Shri Lokur also distributed certificates to students of ISIL.

Visit of Chinese Delegation

Four members of Chinese delegation made a courtesy visit to the ISIL on 30th September 2007 to discuss the possibilities of academic collaboration with the ISIL. Prof. Yan Ling, Deputy Director, Institute of Air and Space Law,

Faculty of International Law, China University of Political Science and Law, Prof. Sun Guorui, Beijing University of Aeronautics and Astronomy, Law School Space Law Institute, Prof. Zhao Hafeng, Dean, Harbin Institute of Technology, School of Law, Director, Research Institute of Space Law and Prof. Li Shou Ping, Deputy Dean, Law Faculty of Beijing Institute of Technologies shared their views on recent development in international law specifically on international air and space law with office-bearers of the ISIL, which included Shri Ram Niwas Mirdha, President, ISIL, Prof. Rahmatullah Khan, Secretary General, ISIL and Dr. Manoj Kumar Sinha, Director, ISIL and Shri C. Jayaraj, Former Secretary General, ISIL and Prof. Lakshmi Jambholkar, Executive Member, ISIL.



RECENT DEVELOPMENTS

International Convention for the Suppression of Acts of Nuclear Terrorism Enters into Force

On July 7, 2007, the International Convention for the Suppression of Acts of Nuclear Terrorism (hereinafter the Convention) entered into force upon receiving the twenty second instrument of ratification from Bangladesh. The Convention was adopted by the General Assembly on 13 April 2005. The adoption of the Convention was a significant step towards strengthening the international legal framework for suppressing and combating international terrorism. It is the first anti-terrorism Convention adopted since the terrorist attacks of 11 September 2001. The Convention provides for definition of acts of nuclear terrorism and it requires States to make punishable as serious offence under their domestic law, terrorist acts involving the use of nuclear materials. It requires States parties to the Convention to cooperate in preventing terrorist attacks and assisting each other in connection with criminal investigations and extradition proceedings. It also covers a broad range of possible targets, including those against nuclear power plants and nuclear reactors. The Convention requires that any seized nuclear or radiological material is to be held in accordance with International Atomic Energy Agency (IAEA) safeguards and handled according to IAEA's health, safety and physical protection standards. India signed the International Convention for the Suppression of Acts of Nuclear Terrorism on 24 July 2006.

UN Declaration on the Rights of Indigenous People Adopted

On September 13, 2007, the General Assembly of the United Nations adopted the Declaration of the Rights of Indigenous People (here in after 'Declaration') recognizes that indigenous people contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of mankind. The Declaration addresses both individual and collective rights, cultural rights and identity, right to education, employment, health, language etc. 144 States voted in favour including India and four states namely Australia, Canada, New Zealand and the Russian Federation voted against the Declaration. The Declaration sets forth responsibilities for States in terms of taking effective and appropriate measures to ensure continuing improvement of their economic and social conditions, with special emphasis on

vulnerable groups like women, children, elders and persons with disabilities.

ILO Adopts Comprehensive New Labour Standards for Fishing Sector

The object of the comprehensive new labour standards for the fishing sector is to ensure health and safety of the millions of workers in this sector. Approximately thirty million men and women are working worldwide in the fishing sector. These standards were adopted at the Ninety-Sixth Annual Conference of the ILO concluded in the last week of June 2007. The new ILO Convention, to be known as The Work in Fishing Convention, 2007 (No. 188) was adopted by Government, worker and employer delegates at the International Labour Conference. The Work in Fishing Convention 2007 (the Convention) will come into effect when it is ratified by 10 (including eight coastal nations) of the ILO's 180 member States. The new standards contain provisions *inter alia* to ensure workers in the fishing sector are provided occupational safety and health and medical care at sea, and that sick or injured workers receive care on shore, sufficient rest for health and safety of workers, social security protection of workers etc. The Work in Fishing Convention provides an innovative legal mechanism that will allow States to progressively implement certain provisions of the Convention. This was done in recognition of the fact that many countries may not have the institutions or infrastructure in place to implement all the provisions immediately. The aim is to encourage States to ratify the Convention at an early date and to put in place a mechanism aimed at extending protection to all the workers.

UN Security Council Resolution 1769: UN Peacekeeping Force in Darfur, Sudan

Acting under Chapter VII of the United Nations Charter, the Security Council voted unanimously to pass a resolution for creation of a hybrid African Union/UN Peacekeeping operation in Darfur (UNAMID). This resolution was mandated after determining that the situation in Darfur continues to pose a threat to international peace and security. So far the African Union Mission in Sudan (AMIS) led the peacekeeping operation in Darfur. Resolution 1769 of 31 July 2007 calls on all the parties to the conflict in the region to stop their hostilities and to reach a sustained and

permanent ceasefire. It further requests the UN Secretary General to take necessary measures for UNAMID to comply with the UN zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse. The Security Council also approved UNAMID to operate for an initial period of twelve months.

UN Security Council Resolution 1770: Iraq

In Resolution 1770 of 10 August 2007, the Security Council recalled its previous relevant resolutions 1500(2003), 1546(2004), 1557(2004), 1619(2005) and 1700(2006) reaffirming the territorial integrity and sovereignty of Iraq. Acknowledging that a democratically elected and constitutionally based Government of Iraq is now in place, the resolution emphasized the need for all communities in Iraq to reject sectarianism, participate in the political process and engage in the efforts to promote Iraq's political stability and unity. It further reaffirmed the significance of the United Nations Assistance Mission for Iraq (UNAMI), in supporting the efforts of the Government of Iraq to strengthen institutions for representative government, engage in friendly relations with neighboring countries and assist vulnerable groups, refugees and internally displaced persons. The resolution also focused on the importance of protection of human rights and judicial and legal reform. Further, the resolution welcomed the formal launch of the International Compact with Iraq on 3 May 2007 and accentuated the importance of continued regional and international support for Iraq's development. It was decided to extend the mandate of UNAMI for further period of twelve months from the date of this resolution and to advise the Government of Iraq in matters of governance. The Security Council recognizes the role of the 'Multi-National Force-Iraq (MNF-I)' in supporting UNAMI.

The First Chautauqua Declaration of 29 August 2007

At a meeting convened to celebrate the 100th anniversary of The Hague Rules of 1907, nine international war crimes prosecutors signed a declaration emphasizing the responsibility to prosecute and arrest war criminals at large. In recalling the principles of Nuremberg, the declaration noted the importance of rule of law in combating impunity. The declaration affirmed that

legal tools are in place to prosecute those who bear the greatest responsibility for war crimes and ending impunity by perpetrators of war crimes is a necessary part of preventing the recurrence of such atrocities. It was also stated that international humanitarian law is the cornerstone to control international and non-international armed conflicts. The declaration was signed by Henry King and Whitney Harris of the International Military Tribunal, Nuremberg, David M. Crane, Sir Desmond DeSilva QC, Stephen J. Rapp of the Special Court for Sierra Leone, Luis Moreno-Ocampo of the International Criminal Court, David Tolbert of the International Criminal Tribunal for Yugoslavia, Hassan Jallow of the International Criminal Tribunal for Rwanda and Robert Petit of the Extraordinary Chambers in the Courts of Cambodia.

India and ASEAN Regional Forum (ARF)

During the meeting of the 14th ASEAN Regional Forum (ARF) meeting, held on 2 August 2007. India offered assistance to ARF Member States in building capacity to ensure the safety and security of sea lanes passing through the region. India will design and conduct a training module on maritime security specifically for the ARF Member States, on the themes of anti-piracy, search and rescue, off-shore and port security, anti-smuggling, narcotics control and anti-poaching operations.

The International Tribunal for the Law of the Sea (ITLOS) Delivers Judgement in the “Tomimaru” Case (Japan v. Russian Federation) and the “Hoshinmaru” Case (Japan v. Russian Federation)

ITLOS (the Tribunal) delivered judgment in the “Tomimaru” Case (Japan v. Russian Federation), Prompt Release on 6 August 2007. The Tribunal finds that the Application of the release of the vessel “Tomimaru” is without object. The Application for the release of the vessel “Tomimaru” was submitted to the Tribunal under article 292 of the UN Convention for the Law of the Sea (UNCLOS) on 6 July 2007 by Japan, the Flag State of the vessel, against Russian Federation. The dispute concerns the detention of the fishing vessel “Tomimaru” by the authorities of the Russian Federation for alleged

violations of national fisheries legislation in its exclusive economic zone.

Japan submitted another application under Article 292 of UNCLOS for prompt release of its fishing vessel “Hoshinmaru”, which was also detained by the Russian authorities for alleged infringement of national fisheries legislation in its exclusive economic zone. The Tribunal ordered for the release of the vessel upon submission of a bond of 10 million roubles by the applicant.

DS 362: China – Measures Affecting the Protection and Enforcement of Intellectual Property Rights (IPR)

On 25 September 2007, the WTO Dispute Settlement Body (DSB) established a panel to review China’s protection and enforcement measures of IPR. This panel was established to examine the complaint by the US on enforcement of IPR in China. The US said it recognized China had made the protection of IPR a priority and had taken active steps to improve enforcement and protection of IPR. However, US added that bilateral discussions on matters related to panel request had not resulted in a mutually agreed solution which was the reason for the panel request in a dispute relating to protection and enforcement of IPR in China.

DS 358 and DS 359: China – Certain Measures Granting Refunds, Reductions or Exemptions from Taxes and Other Payments

On 31 August 2007, the DSB agreed to establish a single panel to examine the complaints by Mexico and the US against China on tax Refunds.

Tonga becomes 151st member of the World Trade Organization (WTO)

On 27 July 2007, the Kingdom of Tonga became a member of the WTO. Tonga applied for accession to the WTO in July 1995, but negotiations effectively started in April 2001. Tonga is one of world’s smallest economies with a population of approximately 116000 and an area of 748 sq km. Tonga’s main trading partners are Japan, the US, Australia and New Zealand.

UN War Crimes Tribunal for Former Yugoslavia Re-elected their President

Judges on the United Nations War Crimes Tribunal re-elected Judge Fausto Pocar as President and Judge Kevin Parker as Vice-President. Now, the Tribunal’s Chambers consists of 16 permanent judges and a maximum of 12 ad litem, or temporary, judges at any one time. In fact, all are elected by the General Assembly.

UN Commission Adopts New Food Standards

The Codex Alimentarius Commission which was created in 1963 by the UN World Health Organisation (WHO) and UN Food and Agriculture Organisation (FAO) recently adopted dozens of new and amended food standards and introduced measures to help countries to establish their own regulations. For the first time, two developing countries namely Brazil and Malaysia stated their intention to contribute to the Codex Trust Fund, which helps other developing countries to participate in the Commission’s meetings.

Nineteenth Meeting of the Parties to the Montreal Protocol on Ozone Layer

The nineteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP-19) began on 17 September in Montreal, Canada. In the Meeting, many countries outlined national activities to eliminate Ozone Depleting Substances (ODS). John Baird, Minister of Environment, Canada, described the Montreal Protocol as the most effective international convention of our time. He stated that Hydrochlorofluorocarbons (HCFCs) was always intended to be temporary solution and called for an accelerated phase-out of HCFCs. The Parties agreed to accelerate the phase out of production and consumption of hydrochlorofluorocarbons (HCFCs). The Parties also agreed that funding available through the Multilateral Fund for the Implementation of the Montreal Protocol in the upcoming replenishments should be stable and sufficient to meet agreed incremental costs to enable Article 5 Parties (developing countries) to comply with the accelerated phase-out schedule both for production and consumption.

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