



# The Indian Society of International Law NEWSLETTER

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For members only

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V.K. Krishna Menon Bhawan,

9, Bhagwan Dass Road,

New Delhi-110001 (INDIA)

Tel.: 23389524, 23384458-59 Fax: 23383783

E-mail: isil@iasd01.vsnl.net.in

Website: www.isil-aca.org

## From the President's Desk



The Sixth Ministerial Conference of the World Trade Organisation (WTO), which concluded in Hong Kong on 18th December 2005 adopted a draft Ministerial Declaration amidst growing anti-globalisation protests. This Conference is part of the ongoing round of international trade negotiations known as the Doha Development Agenda (DDA), launched at the WTO's Fourth Ministerial Conference in Doha, Qatar, 2001, and is expected to conclude at the end of 2006.

In the Conference, new initiatives have emerged from different developing country groups on all the three pillars of the negotiations: Agriculture, Non-Agricultural Market Access (NAMA) and Services. In agriculture, different groups of the developing countries came together to form an alliance called the G110, representing more than 80 percent of the humanity, to put pressure on the EU and the USA to reform their agriculture regime. This resulted in holding out for an end date for export subsidies, and continue to resist rich countries' demands that concessions on agriculture must be matched by reciprocal movement by poor countries in other areas. The Declaration includes some gains on agriculture, such as setting an end date, i.e. 2013 for elimination of export subsidies and also provides extra flexibility to ensure the developing countries' right to protect products of vital importance to poor farmers. But the Declaration neither offered to cut rich countries' domestic subsidies that cause dumping, nor proposed to tighten the disciplines on allowable payments. For cotton, it provides for the elimination of export subsidies at the end of 2006.

In the Hong Kong Ministerial Declaration, developing countries like India are able to secure that WTO will not come in the way of domestic support given to farmers. Thus, it is expected that the programmes of the government aimed at benefiting farmers will not be subject to WTO discipline. It gives Indian farmers a chance to compete in the world market.

In other areas of the negotiations such as services and NAMA, the Declaration has gone from bad to worse. The rights of the poor countries to protect basic services and emerging industries have been comprehensively undermined with grave prospects for development. But, the developing countries successfully resisted some of the attempts to force open their markets to northern industrial and service sectors.

The weeklong Hong Kong Ministerial Conference wrapped up with a last-minute compromise agreement, which is a mixed outcome from both the developed and the developing countries' point of view. So the Ministerial Conference is semi-successful as it neither collapsed nor made a breakthrough. It cleared some glitches and left some of them to be finalised in early 2006.

Ram Niwas Mirdha





## ISIL Book Release Function

Hon'ble Prime Minister Dr. Manmohan Singh released a book entitled *V.K. Krishna Menon Remembered* published by the ISIL in association with Manak Publishers, New Delhi on 26<sup>th</sup> November 2005 at Prime Minister's residence. Shri Ram Niwas Mirdha, Shri Bhuvanesh Chaturvedi, Shri R.K.P. Shankarass, Dr. G.V.G. Krishnamurthy, Shri C. Jayaraj, Shri Narinder Singh, Prof. V.C. Govindaraj, Shri A.K. Ganguli, Prof. Lakshmi Jambhalkar, Prof. Veena Bakshi, Prof. Suhas Chakravarty, Dr. A.S. Paddy, Shri G.V. Rao, Shri S. Bakupuri, Dr. Manoj Kumar Sinha, Ms. Kumari Selja and Ms. Neeraja Chaudhry participated in the function.

## First South Asian Regional Henry Dunant Memorial Moot Court Competition

The ISIL and the ICRC jointly organised the First South Asian Regional Henry Dunant Memorial Moot Court Competition at the Society's premises on 14-15 October 2005. Four teams from Bangladesh, Nepal, Sri Lanka and India comprising two mooters and one researcher participated in the competition.

Justice Vikramajit Sen, Judge, High Court of Delhi inaugurated the function. In his address, he emphasized the importance of the International Humanitarian Law in the present context. Shri Ram Niwas Mirdha, President, ISIL welcomed the guests and the participants. Mr. Vincent Nicod, Head of the Regional Delegation, ICRC and Mr. Larry Maybee, Legal Advisor, Regional Delegation ICRC, New Delhi also spoke on the occasion. Shri C. Jayaraj, Secretary General, ISIL gave the vote of thanks.

The Competition was organized in two rounds, Semi-final and Final rounds. The participants were judged on the basis of written memorials, appreciation of the facts and law, advocacy skills, use of authorities and citations, general impression and court manners.

Brig. J.S. Yadav, Shri Y.S.R. Murthy, Wg. Cdr. U.C. Jha, Shri Luther Rangrej, Dr. Ravindra Pratap, Shri Shikhar Ranjan, judged the teams in the semi final rounds.

Justice Madan B. Lokur, Judge, High Court of Delhi, Shri R. Mohan, Additional Solicitor General of India and Prof. V.C. Govindaraj, former Professor of Law, Faculty of Law, University of Delhi judged the winner, National Law School University of India (NLSUI), Bangalore and Sri Lanka Law College adjudged as the winning and runners up team respectively.

Justice Madan B. Lokur, Judge, High Court of Delhi presented the trophy and gold medals to winning team, NLSUI, Bangalore and Shri R. Mohan, Additional Solicitor General of India presented the runners up trophy and silver medal to Sri Lanka Law College. The best Advocate award presented to Arghya



Sengupta, NLSUI by Prof. V.C. Govindaraj, Vice President, ISIL, Mr. Larry Maybee, Legal Advisor, Regional Delegation ICRC handed over the best Memorial Award to Department of Law, University of Dhaka, Bangladesh. Best Researcher award presented to Reena Pathak, Kathmandu School of Law, Nepal by Mr. Vincent Nicod, Regional Delegation, ICRC, New Delhi, Dr. Manoj Kumar Sinha, Asst. Professor, ISIL and Dr. Ch. Banerji, Legal Officer, ICRC gave the vote of thanks.

## Seminar on WTO and Indian Textile Industry



The ISIL and the Union Ministry of Textiles, Government of India jointly organised a national seminar on *WTO and Indian Textile Industry* on 16<sup>th</sup> November 2005 at the Society's premises. Shri Poomalingam, Secretary, Union Ministry of Textiles, Government of India delivered the keynote address, in his address he narrated the relationship between WTO and the problems faced by the textile industries in India.

Shri Ram Niwas Mirdha, President, ISIL in his opening remarks welcomed the chief guests and the delegates, later Shri C. Jayaraj, Secretary General, ISIL gave the vote of thanks.

Shri D.K. Nair, Secretary General, Confederation of Indian Textile Industry, New Delhi Shri Lakshmi Kumaran, Advocate, Supreme Court of India, Dr. Ravindra Pratap, Asst. Prof. Indraprastha University School of Law, New Delhi and Shri C.S. Gokhale, Reliance Centre, Mumbai presented papers and discussed important problems in Indian Textile Industry, WTO Jurisprudence on Textiles, Indian Textile Industry and Synthetic Fibers, and the WTO Textile Agreement and the Hong Kong ministerial.



# The International Conference on the Emerging Trends in International Criminal Jurisprudence

The Indian Society of International Law (ISIL) organised the International Conference on *The Emerging Trends in International Criminal Jurisprudence* on 10-11 December 2005 at the Society's premises. The conference was divided into five working sessions for two days, besides the inaugural and the valedictory sessions.

Shri Shivaraj Patel, Hon'ble Home Minister of India inaugurated the conference on 10<sup>th</sup> December 2005. In his inaugural address, he highlighted the importance of the development of the concept of universal jurisdiction in international criminal law. He also pointed out the mandatory steps that all countries must take to combat organised crime, terrorism including prevention, suppression and financing of terrorism and extradition arrangements. Mr. Philippe Kirsch, President, International Criminal Court, The Hague also addressed the session. The ISIL received messages from the President and Vice President of India, Chief Justice of India, Speaker of Lok Sabha, Home Minister of India and Chief Minister of NCT of Delhi wishing the Conference all success. The message from Judge Shi Jiuyong, President, International Court of Justice was read out by Shri Bimal N. Patel.

Shri Ram Nivas Mirdha, President, ISIL, welcomed the guests and the delegates and later Shri C. Jayaraj, Secretary General, ISIL, proposed the vote of thanks. On 10<sup>th</sup> evening a colourful puppet show was performed by the Sangeet Natak Akademy performers.

More than 250 delegates of whom 32 from abroad participated in the Conference. Overseas delegates from 16 countries, Australia (1), Austria (1), Belgium (1), Canada (2), Germany (1), Hong Kong (2), Ireland (1), Kuwait (1), Russia (2), Sierra Leone (1), Sri Lanka (2), Switzerland (5), The Netherlands (5), UK (3), The USA (3) and Taiwan (1)



including former Judge of the ICJ, President and Chief-de-Cabinet of ICC, Commissioner for the International Criminal Court, German Foreign Office, Appeals Chamber Judge of Special Court of Sierra Leone and Legal Advisors from ICRC participated in the Conference. The delegates had come from various backgrounds such as Universities, Law colleges, Law Firms, International Institutions, Government Ministries, Defense Headquarters, the United Nations, International Criminal Court, International Law Societies, Specialized Agencies of the U.N. and other Regional Organizations. The Conference witnessed lively interventions by delegates during all sessions. Out of 36 papers, 23 delegates from overseas and 13 Indian delegates presented papers.

The Conference was divided into five sessions spread over two days viz., Nuremberg Principles and Universal Jurisdiction,

Customary International Humanitarian Law and International Criminal Responsibility, International Ad-hoc Tribunals, International Crimes: Aggression, Terrorism, Torture and International Criminal Court: Composition, Powers, Procedures and Jurisdiction. The session on Customary International Humanitarian Law and International Criminal Responsibility was jointly organised by ISIL and International Committee of the Red Cross (ICRC).

Shri Prithviraj Chavan, Hon'ble Minister of State, Prime Minister's Office, Government of India gave a special address on 11<sup>th</sup> December 2005 in a session on International Crimes: Aggression, Terrorism and Torture.

Dr. P.S. Rao, Member, International Law Commission gave the valedictory address. In his address, he recapitulated the two days conference by pointing out the highlights of the presentations and the important points that arose during discussions.



## FORTHCOMING EVENTS

### Discussion on Corruption

The ISIL and UNODC jointly organising a discussion on Corruption: *International Community Response* on 27<sup>th</sup> January 2006 at the V. K. Krishna Menon Bhawan (ISIL), New Delhi.

### National Seminar on Foreign Investment in Real Estate

The ISIL is organising a National Seminar on *Foreign Investment in Real Estate - Policy and Legal Implications* on 18-19 March 2006 at the V. K. Krishna Menon Bhawan (ISIL), New Delhi.



## India-China Space Law Colloquium

The ISIL organised a one day India China Space Law Colloquium at the Society's premises on 14<sup>th</sup> December 2005. A six-member delegation of Chinese Space Law experts, consisting of Prof. Lin Jusheng, Vice President China Institute of Space Law, Prof. Lou Yuguang, Prof. Li Song, Prof. Zhao Haileng, Prof. Ren Xiaoxia, Prof. Guan Kai, Members, China Institute of Space Law participated in the Colloquium. The delegation was headed by Prof. Lin Jusheng. From the Indian side, a delegation consisting of Dr. K. Kasturirangan, Member of Parliament and Former Chairman of Indian Space Research Organisation (ISRO), Dr. K.R. Sridharamurthi, Dr. Rajeev Lochan and Dr. M.Y.S. Prasad from



ISRO and Dr. M.N. Sathyanarayana, Scientist, Deputy Director, Joint Head, Technical Secretariat, National Aerospace Laboratories, Bangalore participated in the Colloquium. The

delegation was headed by Dr. K. Kasturirangan.

In the Colloquium, Indian and Chinese Space Programme, Open Sky Policy and Security, Indian and Chinese Space Legislation, Emerging Trends in Space Communications and Related Legal Issues were discussed by the Indian and Chinese Space Law Experts. Prof. V.S. Mani, Shri C. Jayraj, Dr. Ranjana Kaul, Shri Luther Rangarej and Shri G.V. Rao spoke on the occasion.

Shri Ram Nivas Medha, President, ISIL, welcomed the delegates and the participants and later Prof. V.S. Mani, Executive President, ISIL & Director, Gujarat National Law University gave the vote of thanks.

## International and National Economic Law Course for The Indian Economic Service Probationers

A weeklong course on International and National Economic Law was organised by the ISIL for the probationers of Indian Economic Service from 21- 26 November 2005 at the Society's premises.

The lectures were delivered by experts on international economic and trade law, which include Prof. S.K. Verma, Prof. C. Mahapatra, Dr. K.S. Choudhary, Dr. B.J. Thapar, Dr. Mausami Basu, Shri A.K. Ganguli, Dr. Ravindra Pratap, Dr. Manoj Kumar Sinha, Shri Valsal Sharma, Shri A.K. Choudhry, Shri Ajit Joy, Shri M.P. Mehani, Shri M.K. Rao, Shri T.K. Vishwanathan and Shri V.K. Singh.

In the Course, various issues of international trade and economic law, its nature and scope were discussed. The Law of International Treaties, current issues of World Trade Organisation and Dispute Settlement Mechanism, Anti Dumping, TRIPs and IPR, Economic Diplomacy, Narcotic Trade and Legal Control, Economic Crimes: Money Laundering and Banking Crimes, FEMA, Money Bill, Consolidated Fund of India, Legal Framework for Foreign Investment, Cyber Laws and issues relating to International Economic Institutions were taught to the probationers.

## ISIL Executive President's Visit

Prof. V. S. Mani, Executive President, ISIL, delivered The Hague Academy of International Law's Summer Course 2005 on Humanitarian Intervention Today from 1 to 5 August 2005, at the Academy, The Hague. The Course comprised five lectures and two seminars to scholars from all over the world. These lectures have since been published in the *Recueil des Cours*, vol. 313, 2005. Out of six Indian scholars previously invited to deliver the prestigious Hague Academy lectures, five were high functionaries of the ISIL, Prof. C. J. Chacko, first Secretary-General, Dr. Nagendra Singh, President, Prof. R. P. Anand, Executive President, Dr. S. P. Jagota Executive President, and Prof. Upendra Baxi, President. The lone 'outsider' was Professor K. R. R. Sastry, the first Indian to speak at the Academy.

Prof. V. S. Mani, Executive President, participated in an international conference convened by Soochow University Law School, Taipei on *The Changing Dimensions of Public International Law in the New Millennium* on 21 November 2005. Prof. Mani presented a paper on "Jus Cogens and Obligations Erga Omnes: Implications for Modern International Law," and also chaired a session on *The Changing Dimensions of International Law of the Sea*.

## ISIL Executive Committee Member's Visit

Shri G.V. Rao, Member, Executive Committee, ISIL, participated in the International Conference on the *Right to Education as Fundamental Human Right and the Legal Framework for its Financing*, jointly organised

by the UNESCO and Indonesian Commission for UNESCO Ministry of National Education on 2-5 December 2005. He also presented a paper entitled *Right to Basic Education - A Fundamental Human Right: Indian Perspective*.

## ISIL Researchers' Visit

Shri Vinai Kumar Singh, Researcher, ISIL, participated in the Third Annual Winter Course on *Forced Migration* jointly organised by the Mahanirbhan Calcutta Research Group and Brookings Institution at Kolkata on 1-15 December 2005. He also presented a paper entitled *UN Guiding Principle on IDPs*.

Shri Anwar Sadat, Researcher, ISIL, participated in the national workshop on the theme *The Emerging Trends in International Environmental Law and Sustainable Development: Challenges and Opportunities for Developing Countries* organised by the Amity Institute of Global Legal Education and Research, New Delhi on 3<sup>rd</sup> December 2005. He also presented a paper entitled *The Clean Development Mechanism, Issues, Concerns and Prospects*.

## Law Students Visited ISIL

A delegation of more than 25 students from the G.J. Advani Law College, Mumbai visited the ISIL on 6<sup>th</sup> October 2005. On this occasion, Dr. Manoj Kumar Sinha, Asst. Professor, ISIL, spoke about the importance of the study of international law and described the objectives and activities of the ISIL, and Shri V.K. Singh and Shri Asif Rashid A., Research Officers, ISIL, also addressed the students.