



# The Indian Society of International Law NEWSLETTER

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*For members only*

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## Editorial



Recent pro-democracy demonstrations and a general strike across Nepal held against the royal government have raged fire across the nation. A number of people have been killed and thousands including children and women have been injured severely during pro-democracy agitation. Due to mounting pressure internally and externally on 24 April 2006 the King of Nepal declared that the nation's dissolved parliament would be revived. These mark a decisive shift in the country's political equations and probably signal the approaching end of King Gyanendra's direct rule. Armed repression against the public protests which had assumed the proportions of a civil war, with the people on one side and the king with his armed forces on the other, proved incapable of stopping the popular desire for a democratic republic.

The situation has ripened for the recognition of a developing new legal regime in Nepal. Such changes need to be in conformity with the requirements of the accepted norms of international law. For this, there has to be a demonstrable adherence to the ideal of rule of law in the interest of an orderly and just society. Although domestic events will determine the speed and direction of political change, international players should use their influence to establish practical plans to help to stabilise the situation and build a more lasting foundation for peace. Nepal is all set to witness a transfer of power in the nature of a revolution.

The Royal proclamation of 24 April 2006 reinstating Parliament can be considered as a positive step that opens the door for a political process to end the decade-old conflict and address its underlying causes on the basis of wishes of the Nepali people. The reinstatement of parliament is a major step on the long path towards re-establishing democracy in Nepal and ensuring that democracy is stable and brings benefits to all the people of Nepal. There has to be a demonstrable adherence to the ideal of rule of law in the interest of an orderly society, with the continuity of legal acts being maintained and recognised by the international community. As part of an exercise to establish a full return to democracy, the election should be meaningful and to be held in direct consultation with the political parties. This elected constituent assembly will then draft and adopt the new constitution.

History as well as geography has placed India in a situation where it cannot be indifferent to happenings in Nepal. India along with the international community has to intervene, so that the obdurate monarchy could be made to comply with popular wishes and aspirations. India has been active in this regard and has to persistently keep an eye on the fast moving developments in that country.

The November 25, 2005 Agreement between the Communist Party of Nepal (Maoist) and the seven mainstream political parties of Nepal is an important landmark in the history of that country. The twelve points mentioned in the Agreement will form the basis of future constitutional developments in the country. One significant aspect is that an extremist left outfit is in the process of joining the normal electoral process. This can delineate a path, which the Naxalites in India can well be persuaded to follow.

Ram Niwas Mirdha



## Thirty Fifth Annual Conference

The Indian Society of International Law (ISIL) organized its 35<sup>th</sup> Annual Conference on 15-16 April 2006 at V.K. Krishna Menon Bhawan (ISIL), New Delhi. More than 150 delegates including law faculty members, researchers, students and lawyers from different states of the country and representatives from several embassies and ministries participated.

Shri Ram Nivas Mirdha, President, ISIL, while welcoming the distinguished guests and the delegates, mentioned about the significance of the Annual Conference of ISIL and the need for participating in such a conference. Prof. R.P. Anand, Professor Emeritus, Jawaharlal Nehru University (JNU), New Delhi in his presidential address, emphasised that relevance of international law to maintain peace and justice in international relations. He also described the role played by India as a front-runner for espousing the cause of developing countries. Prof. V.C. Govindaraj, Vice President, ISIL, gave vote of thanks.

Three sessions were organized to discuss the contemporary issues of international law. The first session was on the (i) United Nations Reforms. Shri Mohd. Hamid Anwar, Chairperson, National Commission for Minorities chaired the session and eminent panelists namely Prof. C. S. R. Murthy, JNU, Major General Dipankar Banerjee, Director, Institute of Peace and Conflict Studies, Prof. C. Mahapatra, Professor, SIS, JNU, Dr. Sandhya De, Director, G. H. Raisoni Law School, Nagpur and Dr. Manoj Kumar Sinha, Assistant Professor, ISIL, presented papers respectively on *Critical Comments on UN Reforms, Does the UN Peace Keeping Need Reforms, US Position on UN Reforms, UN*



*Contributions to Human Environment: A Historical Analysis and UN Reform and Human Rights: A Preliminary Discussion about the Emerging Human Rights Council* respectively.

The second session debated the subject *State Responsibility*. Shri Neelima Singh, Joint Secretary, Ministry of External Affairs chaired the session. Shri Lohar M. Rangaraj, Legal Officer, L&T, MEA, Prof. B. C. Nimal, Professor, BHU, Varanasi and Dr. Ch. Banerjee spoke about the various facets of the topic namely, *General Comments on the International Law concerning a State Responsibility, State Responsibility for Violation of Human Rights and State*

*Responsibility for Violation of International Humanitarian Law* respectively.

*Globalisation, International Law and Enforcement of Foreign Judgments and Arbitral Awards* were the topics for the third session. Prof. B.C. Nimal, Professor, BHU, Varanasi chaired the session and eminent international law scholars spoke on the various aspects of the theme namely *Globalisation and International Law: The Challenges of Teaching, Globalisation, Investment and International Law, Globalisation and Problems of Private International Law and Economic Self-determination and Globalisation* respectively.

## Seventh V.K. Krishna Menon Memorial Lecture



In the memory of its founder President late Shri V.K. Krishna Menon, the ISIL organized seventh V.K. Krishna Menon Memorial Lecture on 31<sup>st</sup> May 2006 at Society's premises. Shri Ram Nivas Mirdha, President, ISIL, welcomed the chief guest and the gathering. Prof. Rahmatullah Khan, Secretary General, ISIL, gave the vote of thanks.

Ambassador Chinmaya Gharekhan, Special Envoy for West Asia, Ministry of External Affairs, delivered a lecture on the topic *Is the United Nations Relevant in the Contemporary World?* Firstly, he gave a brief narration about Krishna Menon and his efforts to disseminate the significance of international law, then he spoke about the importance and effective role played by the UN in the contemporary world.



# Fifth Summer Course on International Law

The ISIL organised its Fifth Summer Course on International Law at the Society's premises from 12 June – 24 June 2006. The Summer Course was conducted with an objective to impart the current developments regarding important and contemporary issues of international law. The Course was inaugurated by Hon'ble Justice Rajinder Sachar, former High Court of Delhi and presently member of High Level Committee constituted by the Prime Minister to prepare a report on the social, economic and educational status of Muslim Community of India on 12<sup>th</sup> June 2006. He fervently supported that basic knowledge about international law is essential for a modern day advocate. Prof. V.C. Govindaraj, Vice President, ISIL in his welcoming address, narrated the purpose and the importance of the Course. Dr. R.K. Dixit, Treasurer, ISIL proposed the vote of thanks. Dr. Manoj Kumar Sinha, Director, ISIL also spoke on the occasion.

The substantive lectures of the Course were spread over twelve days. Lectures were delivered on vital and contemporary areas of international law, viz., Public International Law, Private International Law, International Trade and Business Law, International Institutions, International Human Rights, Role of NHRC in the Implementation of Human Rights, International Humanitarian and Refugee Law, Maritime Law, National and



International Arbitration, International Environmental Law, Sustainable Development, International Criminal Law, International Criminal Court and Introduction to European Union. Shri Asif Rashid A., Researcher, ISIL was the Course Coordinator.

The faculties for the Summer Course comprised of eminent international law experts such as Prof. V.C. Govindaraj, Dr. R.K. Dixit, Prof. S.K. Verma, Prof. Veena Bakshi, Prof. B.C. Nirmal, Prof. C. Mahapatra, Dr. A.S. Reddy, Dr. Ravindra Pratap, Shri C. Jayaraj, Shri M.K. Rao, Shri Y.S.R. Murthy,

Ms. Radhika Kaul Batra, Dr. Amitendu Palit, Dr. J.C. Batra, Shri Ashok Chakravarti, Dr. V.G. Hegde, Dr. Manoj Kumar Sinha, Shri Sanjay Parikh, Capt. J.S. Gill, Dr. Ch. Benaraj, Dr. Anwar Sadat and Ms. Claudia Forster.

The whole course witnessed lively interactions and discussions by the participants. The course was concluded on 24<sup>th</sup> June 2006. There were 151 participants most of which were from out of Delhi, including 3 scientists from ISRO, 10 law teachers and government officials attended this course.

## Seminar on IPR and Protection of Expressions of Folklore

The Indian Society of International Law (ISIL) in association with Social Action Forum for Manav Adhikar (SAFMA) organised a one-day seminar on IPR and Protection of Expressions of Folklore on 24<sup>th</sup> June 2006, at ISIL premises. Shri Ram Nivas Mishra, President,

ISIL, welcomed the chief guest Hon'ble Justice Y. Bhaskar Rao, Member, National Human Rights Commission, New Delhi and the participants. In his inaugural address, the Chief Guest, Justice Rao spoke on the significance of the folklore and its protection.

Mrs. Charu Walikhanna, President, SAFMA also addressed. Dr. Manoj Kumar Sinha, Director, ISIL gave the vote of thanks.

The objective of the Seminar is to review recent national and international developments in the area of Protection of Expressions of Folklore and also to discuss whether it should be protected by Intellectual Property Rights (IPR) or through a *sui generis* law.

The Seminar was organised in two sessions, viz., Existing Regime of Protection of Folklore and Need for *sui generis* legislation on Folklore. The first session was chaired by Reid Prof. Jawaharlal Handoo, Professor & Head of the Dept. of Cultural Studies, North-Eastern Archival Centre for Traditional Culture & Art Forms, Dean Faculty of Humanities & Social Sciences, Tezpur. The following eminent scholars presented papers: Prof. Jawaharlal Handoo, Prof. B. C. Nirmal, Ms. Charu Walikhanna, Ms. Usha Malik, Ms. Asha Nayar Basu, Shri Hardeep Singh Anand, Prof. Madan Mohan Mathur, Wg. Cdr. U. C. Jha and Ms. Kasturi Das.





## The Triennial Meeting and Election of the ISIL Executive Council

The Triennial meeting of ISIL was held on 22<sup>nd</sup> April 2006 at 3.00 P.M. at the Society's premise. In this meeting, various reports, including Secretary General and Editor-in-Chief's reports were presented.

A high-level nomination committee was constituted to conduct the election process comprising Justice Vikramajit Sen, Judge, High Court of Delhi and Shri P.P. Rao, Senior Advocate, Supreme Court of India. More than 95 life members participated in the voting. Shri Ram Niwas Mirdha, President and Prof. R. P. Anand, Executive President were elected unopposed. Shri Naminder Singh, Shri C. K. Chaturvedi and Prof. V.C. Govindaraj elected for Vice Presidents and Dr. R.K. Dixit, for Treasurer. Other members elected for the EC are: Prof. Satpal Nishu, Prof. B. C. Nirmal, Shri Sanjay Parikh, Dr. A. Sudhakara Reddy, Shri Luther Rangrej, Prof. S. K. Verma, Dr. V. G. Hegde, Shri C. Jayaraj, Shri Shikhar Ranjan, Shri A. K. Ganguli, Dr. J. C. Batra and Prof. Lakshmi Jambhokar.

**Appointment of Secretary General, Editor-in-Chief and Director:** The newly elected Executive Council in its first meeting held on Monday, the 15<sup>th</sup> May 2006, appointed Prof. Rahmatullah Khan, Secretary General and Editor-in-Chief of the Indian Journal of International Law and also appointed Dr. Manoj Kumar Sinha, the Director of the Indian Society of International Law.

## Book Release Function

April 4<sup>th</sup> 2006, ISIL, organised discussion on the book Prof. Suhas Chakravarty titled "Crusader Extraordinary Krishna Menon and the India League 1932-39". The participants including Prof. Mridula Mukherjee, Professor, Centre for Historical Studies, Jawaharlal Nehru University, Prof. Balbir Arora, Former Rector, Jawaharlal Nehru University, Prof. Apama Basu, Former Professor, University of Delhi and Dr. Mukul Kesavan, Department of History, Jamia Millia Islamia University.

## ISIL Officials, Visit

Shri Ram Niwas Mirdha, President, ISIL, Prof. R.P. Anand, Executive President, ISIL, and Prof. Rahmatullah Khan, Secretary General, ISIL, participated in a conference in the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany on 13 and 14 June 2006. Before that Shri Ram

Niwas Mirdha, attended the "Summer Dialogue 2006 on 'Multilateralism in Transition'" in Dresden, 8<sup>th</sup> and 9<sup>th</sup> June 2006, and delivered a key note address.

## Law Students' Visit to ISIL

A delegation of more than 30 students from Government Law College, Calicut, Kerala headed by Ms. Swapna, Lecturer, Govt. Law College, Calicut visited ISIL on 3<sup>rd</sup> April 2006. Dr. Manoj Kumar Sinha, Shri V.K. Singh, Shri Asil Rashid A. and Dr. Anwar Sadat Researchers, ISIL spoke on the occasion.

## INDIAN SOCIETY OF INTERNATIONAL LAW

### LIBRARY

### New Acquisitions, April-May 2006

Astronautical Society of India. *ISIL Space Law Conference 2005: "Bringing Space Benefits to the Asian Region"* (Bangalore: ASI, 2005).

Batra, J.C. *International Air Law: (Including Warsaw Convention 1929 and Montreal Convention 1929)* (New Delhi: Reliance Publishing House, 2003).

Committee on Trade Law and WTO. *Concern of the Developing Nations in the WTO Regime: Road Ahead* (The Institute of Chartered Accountants of India).

Dinkmeyer, Don C. *Child Development: the Emerging Self* (New Delhi: Prentice-Hall of India Pvt. Ltd., 1967).

Ghanshyam, C.R. *The Horseshoe Table: An inside view of the UN Security Council* (New Delhi: Longman, 2006).

Indian Social Institute. *The Indian Family in the Change and Challenge of the Seventies* (New Delhi: Sterling Publishers Pvt. Ltd., 1972).

International Association of Democratic Lawyers. *Racism and Racial Discrimination: A Study Submitted to the United Nations Educational Scientific and Cultural Organization* (New Delhi: IADL, 2004).

Mari, V.S. "Humanitarian" Intervention Today (Lieden: Martinus Nijhoff Publishers, 2005).

Nanda, V.P. & G. Pring. *International Environmental Law & Policy for the 21<sup>st</sup> Century* (New York: Transnational Publishers, 2003).

NHRIC. *Important Instructions/Guidelines* (New Delhi: National Human Rights Commission, 2000).

Reddy, E.S. & A.K. Damodaran, eds. *Decolonisation, Peace and the United Nations: Krishna Menon Speeches at the United Nations* (New Delhi: Sanchar Publishers House., 1997).

Reddy, E.S. and A.K. Damodaran ed. *Krishna Menon at the United Nations: India and the World* (New Delhi: Sanchar Publishers House, 1994).

Reddy, E.S. and A.K. Damodaran ed. *Krishna Menon on Disarmament: Speeches at the United Nations* (New Delhi: Sanchar Publishing House, 1994).

Reddy, E.S. and A.K. Damodaran ed. *Krishna Menon on Kashmir: Speeches at United Nations* (New Delhi: Sanchar Publishers House, 2000).

Redfern, Alan, and others. *Law and Practice of International Commercial Arbitration*. 4<sup>th</sup> edn. (London: Sweet & Maxwell., 2004).

Seefeldt, Carol. *Teaching Young Children* (New Jersey: Prentice-Hall, INC., 1980).

United Nations. *Human Rights and Pre-trial Detention: A Handbook of International Standards relating to pre-trial detention* (New York and Geneva: United Nations, 1994).

Upreti, Kishor. *The Transit Regime for Landlocked States: International Law and Development Perspectives* (Law, Justice, and Development Series) (Washington: World Bank, 2006).

Wahlers, Gerhard, ed. *India and the European Union* (KAS Publication Series no. 3) (New Delhi: Konrad Adenauer Foundation in India, 2005).

Yamin, Fatihana & J. Depledge. *The International Climate Change Regime* (Cambridge: Cambridge University Press, 2004).

## FORTHCOMING EVENTS

### Seminar on Emerging Trends in National and International Environmental Law

12<sup>th</sup> July 2006

### Refugee Law Seminar

August 2006

### International and National Economic Law Course for IES Probationers

28<sup>th</sup> August - 1<sup>st</sup> September 2006

### UGC-Refresher Course in International Law

4<sup>th</sup> - 23<sup>rd</sup> September 2006