



# The Indian Society of International Law NEWSLETTER

VOL. 14, No. 3, July - September 2015

For members only

## President

Dr. E. M. Sudarsana Natchiappan

## Executive President

S. K. Verma

## Vice Presidents

Luther Rangreji

A. K. Ganguli

B. C. Nirmal

## Treasurer

V.G. Hegde

## INSIDE

Recent Activities..... 2-4

Recent Developments  
in International Law ..... 4-8

Forthcoming Events ..... 8

## Published by:

The Indian Society of International  
Law

V.K. Krishna Menon Bhawan,  
9, Bhagwan Das Road,

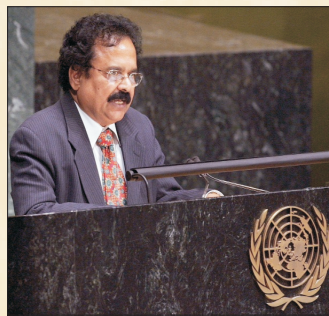
New Delhi - 110001 (INDIA)

Tel.: 23389524, 23384458-59 Fax: 23383783

E-mail: isil@glasdl01.vsnl.net.in

Website: www.isil-aca.org

## Editorial



More than a million refugees crossed into Europe in 2015, sparked a crisis as countries struggle to cope with the influx, and created division in the EU over how best to deal with resettling people. The below mentioned various mechanisms and approaches adopted by the EU governments in the last few months, largely acting on proposals from the European Commission, the EU's executive body, to deal with the EU refugee crisis failed miserably. However, after some efforts to increase protection of refugees inside the EU, the focus of many EU governments appear to have shifted back to square one -namely efforts aimed at preventing or discouraging people from attempting to reach EU territory.

The refugee entered via six European Union nations - Greece, Bulgaria, Italy, Spain, Malta and Cyprus. The vast majority arrived by sea but about 34,000 made their way over land via Turkey. Although not all of those arriving claimed asylum, more than 942,400 people have done so in the EU, according to monthly figures from the EU statistics agency, Eurostat. Germany has received the highest number of new asylum applications, with more than 315,000 by the end of October 2015. Hungary has moved into second place for asylum applications, as it had 174,055 applications by the end of October 2015. Germany and Turkey made Merkel Agreement expected an immediate and dramatic impact on the Syrian refugee crisis. As per the agreement, Germany should agree to grant asylum to 500,000 Syrian refugees registered in Turkey over the coming 12 months. Other EU member states should join in. In return, from a specified date, Turkey should agree to accept back all new migrants reaching Greece from its territory. This would quickly reduce the flood of boats crossing the Aegean. Germany should agree to help Turkey obtain visa-free travel in 2016. The new way for instance Refugee Redistribution Policy of the EU that was agreed that - at least in principle - in September 2015 remain controversial. In brief, the Merkel Agreement could not able to yield expected result due to lack of burden sharing among EU.

The European Commission also published a proposal as "part of a comprehensive and systemic approach" and EU leaders adopted a package of measures: increased financial assistance to international organisations and frontline countries; additional resources for relevant EU agencies, including personnel and equipment from member states for common border patrols; establishing hotspots in frontline EU member states, at the latest by November 2015. Even this also falls short of a practical solution.

Few controversial measures are underlined here which are significantly reversing the idea of refugee protection in EU. EU went to underline that there is a need for a moment to leave aside humanitarian sentiment, morality or legal commitments undertaken under the UN Refugee Convention and the EU legislation and gave emphasis on strengthening Frontex, the EU border agency, to restoring border controls within the EU's Schengen area. On 9 September 2015, the European Commission adopted its second implementation package under *the European Agenda for Migration*. The new package includes a proposal for a Regulation establishing an EU common list of safe countries of origin, as agreed by the European Council of 25-26 June 2015. The European Commission is now proposing a common EU list of seven safe countries of origin: Albania, Bosnia, Macedonia, Kosovo, Montenegro, Serbia and Turkey. The scholars worldwide criticized this concept on the ground of against the norms of international refugee law.

The open letter from international lawyers urges European states and the EU to suspend carrier sanctions and issuing humanitarian visas; enable refugees to access asylum procedures or ensuring safe passage to countries where they wish to seek international protection; immediately suspend Dublin returns of asylum-seekers to their first point of entry, but ensure that its rules on family reunification are implemented fully and swiftly; and undertake intra-European responsibility-sharing.

Importantly, concern has been raised on the UNHCR suggestion to develop a government-run-Refugee Status Determination (RSD) in countries. This suggestion is carried out in the UNHCR Policy Development and Evaluation Services (PDES) report "Providing for Protection: Assisting States with the Assumption of Responsibility for Refugee Status Determination (RSD)", published in the 2014. Learning from the experiences of EU crisis, it could not be wise to shift RSD to a government in all situations.

Dr. E. M. Sudarsana Natchiappan

# RECENT ACTIVITIES

## RECENT ACTIVITIES

### ISIL, ILFI and CISME Signed MoU

On 24 August 2015, ISIL, Infrastructure Industry and Logistic Federation of India (ILFI) and Confederation of Indian Small and Medium Enterprises (CISME) entered into Memorandum of Understanding (MoU) to carry out joint research in the areas of International Law, public policy, organisational research and jointly organise Training workshops, Conferences and awareness Programs in the area of international law.

### Convocation and Inauguration of the P. G. Diploma Courses

ISIL organized the Convocation for awarding of Post Graduate Diploma Certificates on 1 September 2015. The ceremony was also marked to inaugurate the Post Graduate Diploma Courses academic session 2016-17 conducted by the Indian Academy of

International Law and Diplomacy, a teaching wing of the Indian Society of International Law. Dr. E. M. S. Natchiappan, President, ISIL welcomed and introduced the chief guest Hon'ble Justice A. K. Sikri, Judge, Supreme Court of India to deliver the inaugural and convocation address. Mr. Bipin Kumar Mittal received V. K. Krishna Menon Memorial Prize for securing the highest marks in the Post Graduate Diploma Course in International Law and Diplomacy; Ms. Richa Chauhan received K. Krishna Rao Memorial Prize for securing the highest marks in the Post Graduate Diploma Course in International Trade and Business Law; Ms. Gauri Talwar received Judge Nagendra Singh Memorial Prize for securing the highest marks in the Post Graduate Diploma Course in Human Rights, International Humanitarian and Refugee Law; Ms. Komal Rastogi received M. K. Nawaz Memorial Prize in the Post Graduate Diploma Course on

Intellectual Property Rights Law; and Rishav Joyti Borah, topped in the P G Diploma Course on International Environmental Law.

### 15th Henry Dunant Memorial Moot Court Competition 2015

15<sup>th</sup> Henry Dunant Memorial Moot Court Competition 2015 was held on 17-20 September 2015 at the ISIL. The Competition was inaugurated by Hon'ble Justice Madan B. Lokur, Judge, Supreme Court of India. 68 teams participated in the Competition. The Competition was conducted 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. Prof. V. S. Mani, Director, School of Law and Governance, Jaipur National University, Jaipur, Dr. Nerru Chadha, Joint Secretary, L&T Division, MEA, Government of India and Dr. Anuradha Bakshi, Principal Legal Advisor, AALCO were the final round judges. *NLSIU, Bangalore* and *NLU, Delhi* were the winner and runner up of the Competition respectively. *Ms. Manjushree, NALSAR Hyderabad* was adjudged the Best Advocate, *Ms. Pragati Sharma, Army Institute of Law,*





# RECENT ACTIVITIES

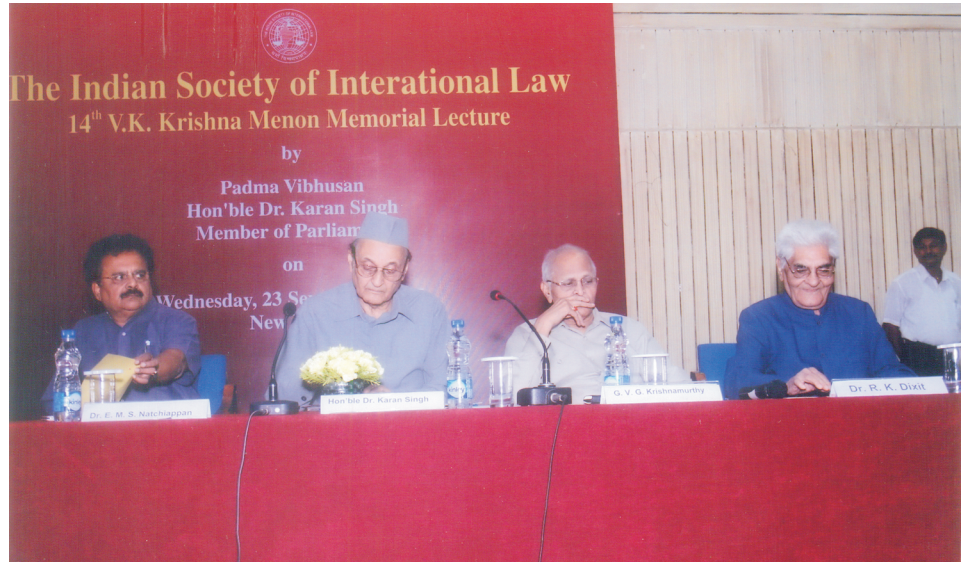
*Mohali* won the Best Researcher award, and *Jaipur National University, Seedling School of Law and Governance, Jaipur*, won Best Memorial award in this Competition. Prof. V. S. Mani gave valedictory address on the occasion.

## 14th V. K. Krishna Menon Memorial Lecture on “The Four Pillars of Learning” by Hon'ble Dr. Karan Singh, Member of Parliament

In the memory of Shri V. K. Krishna Menon, former President and founder of ISIL, the ISIL organized its 14<sup>th</sup> V. K. Krishna Menon Memorial Lecture on 23 September 2015 at its premises. Dr. E. M. S. Natchiappan, President, ISIL introduced the Hon'ble Chief Guest Dr. Karan Singh, Member of Parliament, Rajya Sabha. Dr. Karan Singh delivered lecture on “The Four Pillars of Learning”. Dr. R. K. Dixit, EC Member, ISIL highlighted the achievements of the Chief Guest. Prof. S. K. Verma, Acting Secretary General and Executive President, ISIL proposed the vote of thanks.

## Visit of ISIL by Prof. Martin Hunter, Professor Emeritus, Nottingham Trent University

Prof. Martin Hunter, Professor Emeritus, Nottingham Trent University made visit to the ISIL on 3 November 2015. Prof. Martin Hunter interacted with Prof. S. K. Verma, Acting Secretary General & Executive



President, ISIL and other ISIL staff on possible collaboration. Prof. Martin Hunter was a partner in the firm formerly known as Freshfields for 27 years, latterly leading the firm's International Arbitration Group. On retiring from the firm in 1994 he re-qualified as a barrister and joined Essex Court Chambers, where he continues to practise in the field of international arbitration. In 1995 he was appointed to the newly-established chair of International Dispute Resolution at Nottingham Trent University, and he was appointed as an Emeritus Professor of that University in 2010. He has also been published extensively in specialist arbitration journals and elsewhere over the last twenty-five years.

## Visit of Ms. Cherine Pollini, ICRC former HoD Sri Lanka

Ms. Cherine Pollini, ICRC Former HoD Sri Lanka along with Head of the Regional Delegation, Ms. Marry Wernz, ICRC visited to ISIL on 23 September 2015 at 3.30 pm. The discussion with Dr.

E. M. S. Natchiappan, President, ISIL is intended to ensure active involvement and contributions from India in Sri Lanka Peace Process.

## Monthly Discussion Forum

Monthly discussions were organized on the following topics:

"India, South China Sea and the Law of the Sea" by Admiral O. P. Sharma, Retired Judge Advocate General Indian Navy, Expert on Third Conference of the UNCLOS on 03 July, 2015.

"The Islamic State and the Legality of U. S. Bombing in Iraq and Syria" by Prof. Chintamani Mahapatra, Professor at Centre for Canadian, US and Latin American Studies, SIS, JNU,



# RECENT ACTIVITIES/RECENT DEVELOPMENTS

New Delhi on 07 August, 2015

"India- Import Restrictions on Agricultural Products" (Avian Influenza Dispute) by Dr. James Nedumpara, Associate Professor, JGLS, O. P. Jindal Global University, Sonipat on 04 September, 2015

## RECENT DEVELOPMENTS

### Heatwaves and Health:

#### Guidance on Warning-System Development: WHO and WMO

On 1 July 2015, the two United Nations agencies World Health Organization (WHO) and World Meteorological Organization (WMO) have unveiled a series of new guidelines aimed at addressing the health risks posed by the increasing number and intensity of climate change related heatwaves affecting the planet. These set of guidelines, jointly produced by the WHO and WMO and entitled *Heatwaves and Health: Guidance on Warning-System Development*. The set of guidelines will seek to alert decision-makers, health services and the general public through the systematic development of so-called heatwave early warning systems that in turn, further trigger timely action in reducing the effects of hotweather extremes on health. According to the abovementioned two agencies, heatwaves are becoming more frequent and intense on a global scale, largely due to the acceleration of climate change. Recently, they have

already caused hundreds of deaths across India and Pakistan.

The publication's launch also follows the WMO's recent revelation that 14 of the 15 hottest years recorded have all been in the 21st century, confirming a dangerous trend in global warming amid devastating weather patterns and increasing temperatures. The guidance provided by the WHO and WMO takes into consideration a number of factors, including who is most at risk from heat, outlines approaches to assessing heat stress and surveys heat-intervention strategies, all the while building upon the "lessons learned" from the implementation of the first-ever Heat-Health Warning System, rolled out in the United States city of Philadelphia in 1995. In addition, the authors' noted, the WMO-WHO joint publication is expected "to provide effective climate services and save lives in vulnerable communities around the world."

#### 38<sup>th</sup> Session of the Codex Alimentarius Commission

The United Nations food standards body, the Codex Alimentarius Commission, on 6 July 2015, kicked off its 38<sup>th</sup> session from 6-11 July 2015 in Geneva. It examined and adopted new food safety and quality standards, including limits on the use of drugs in food-producing animals. The Commission is a joint intergovernmental initiative of two UN agencies – the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Comprising

185 countries and the European Union, it compiles annually the standards, codes of practice, guidelines and recommendations that protect consumer health and ensure fair practices in food trade. Kicking off the week-long session, the Commission on 6 July 2015 adopted guidelines related to the Trichinella parasite that may be found in the meat of pigs and other animals. It has also decided to make the Asian regional standard a world wide standard which was adopted in 2009 to ensure the quality of ginseng products, as long as these products are used as a food or food ingredient. During the session, the Commission considered a number of other topics, such as the maximum levels for lead in fruits and vegetables as well as the standards for the safe use of food additives and pesticides, including recommendations to prevent residues of certain antibiotics in food of animal origin. It is also expected to support the establishment by FAO and WHO of a new \$3.3 million per year Codex Trust Fund to support the more active participation of developing countries in international food standards setting from 2016 to 2026.

#### Security Council Adopts Resolution Endorsing Iran Nuclear Deal

The United Nations Security Council, on 20 July 2015, unanimously adopted a resolution establishing a monitoring system for Iran's nuclear programme by the so-called E3+3 – China, France,



# RECENT DEVELOPMENTS

Germany, Russia, the United Kingdom, and the United States – and Iran and considering the “eventual removal” of all nuclear-related sanctions against the country. It is the culmination of twenty months of negotiations between the P5+1 and Iran since the initial Joint Plan of Action (JPOA) was agreed by the parties in November 2013. By doing so, the Council endorsed the Joint Comprehensive Plan of Action (JCPOA), which is described as the “culmination” of diplomatic efforts by the so-called E3+3 and Iran, “to reach a comprehensive, long-term and proper solution to the Iranian nuclear issue.” Under the “historic” agreement, concluded in Vienna on 14 July, 2015, Iran reaffirmed “that it will under no circumstances ever seek, develop or acquire any nuclear weapons.” The Council's adoption of the current resolution triggers the JCPOA coming into effect in 90 days. The resolution provides for the eventual removal of all nuclear-related sanctions against Iran and guarantees that the International Atomic Energy Agency (IAEA) will continue to verify Iran's compliance with its nuclear-related commitments under the JCPOA. By the resolution, the Security Council also decided that “on the date ten years after the JCPOA Adoption Day,” as defined in the agreement, “all the provisions of this resolution shall be terminated,” and none of the previous resolutions “shall be applied.” The Security Council will

have then concluded its consideration of the Iranian nuclear issue, reads the resolution.

## **Israel's Release of Palestinian Prisoner, OHCHR Urges End to Administrative Detentions**

The Office of the UN High Commissioner for Human Rights (OHCHR), on 14 July 2015, welcomed the recent release of a Palestinian prisoner who had been on a hunger strike protesting his continuing administrative detention by the Israeli authorities since 8 July 2014. The prisoner, Khader Adnan, had been on hunger strike for over two months. At the end of March of this year, 396 Palestinians, including one woman, were reportedly held in administrative detention in Israel. Administrative detainees are held without charge or trial, often on the basis of secret evidence, for periods of up to six months, which are extendable indefinitely.

June 2015, the Israeli cabinet approved a bill that would permit the “force-feeding” of Palestinian hungerstriking prisoners. While the bill is now advancing towards final approval by the Knesset, both the High Commissioner and a group of UN Special Procedures, or human rights experts, expressed concerns that the implementation of such a law could breach international human rights standards.

Islam Hasan Jameel Hamed has been protesting since 11 April 2015 at his continued detention by the Palestinian

General Intelligence Services despite a Palestinian court ruling that he has served his sentence – originally imposed in 2011 – and should be immediately released. Hamed is in his fourth month without food and his condition is now very serious.

## **Security Council Fails to Adopt Proposal to Create Tribunal on Crash of Malaysian Airlines Flight Mh17**

The United Nations Security Council was unable to adopt a new resolution, on 29 July 2015, following Russia's negative vote on a measure that would have established an international tribunal to prosecute persons responsible for the downing of Malaysia Airlines flight MH17, which crashed on 17 July 2014 in Donetsk Oblast, Ukraine. Malaysia's Minister of Transport, Liow Tiong Lai, who introduced the draft resolution, expressed “disappointment” after the text was vetoed by Russia, while Angola, China and Venezuela abstained and the remaining 11 members of the Council voted in favour. If adopted, the resolution would have urged the earliest possible finalization of the ongoing international technical investigation into the cause of the crash, in which 298 people died, and the criminal investigation. It would have requested Member States to work together in the Joint Investigation Team to continue to keep the Council

# RECENT DEVELOPMENTS

fully and regularly informed of the progress of its.

## **The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Yet to Come Into Force**

By 30 July 2015, Thirteen additional countries are yet to ratify the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing brokered by the United Nations Food and Agriculture Organization (FAO) to combat illegal fishing by blocking ports to ships known or believed to be carrying illicit catches that account for more than 15 per cent of global output.

Illicit fishing, according to the agency, includes operating without authorization, harvesting protected species, using outlawed fishing gear and violating quota limits, and “may account for up to 26 million tonnes of seafood a year, more than 15 percent of the total global output.” “Illegal, unreported and unregulated (IUU) fishing is estimated to strip between \$10 billion and \$23 billion from the global economy, and its impact undermines the way fish stocks are managed to make it a double concern around the world,” FAO report. The FAO-brokered agreement will come into force when 25 countries have deposited their instrument of ratification, known as acceptance of

accession. So far, 12 countries have done so, the latest being Iceland in June 2015. In addition to Iceland, signatories that have completed the ratification process are Chile, the European Union, Gabon, Mozambique, Myanmar, New Zealand, Norway, Oman, the Seychelles, Sri Lanka and Uruguay.

## **New UN Sustainable Development Agenda**

Member States answered the call to make the year 2015 a year of global action by agreeing on a “bold, ambitious and transformative” sustainable development agenda for the next 15 years on 3 August 2015. The agreement reached by Member States – “Transforming our World: The 2030 Agenda for Sustainable Development” – marks the culmination of efforts that began three years ago with the 2012 UN Conference on Sustainable Development. The new agenda expands on the success of the Millennium Development Goals, which had a target date of 2015, and contains 17 Sustainable Development Goals. Subsequently, the United Nations General Assembly, on 1 September 2015, approved a resolution sending the draft '2030 Agenda for Sustainable Development' to Member States for adoption. United Nations General Assembly formally adopted the 2030 Agenda for Sustainable Development on 25 September 2015, along with a set of bold new Sustainable Development

Goals, - See more at: <https://sustainabledevelopment.un.org/?page=view&nr=971&type=230&menu=2059#sthash.lSHOE6ml.dpuf>

## **Modest Steps by China and India to Reduce, Abolish Death Penalty**

In August 2015, the Indian Law Commission issued a report concluding that the death penalty does not act as an effective deterrent, and recommended its abolition for all crimes except terrorism-related offences, and waging war. “The conclusions and recommendations of the Indian Law Commission represent an important voice in favour of the abolition of the death penalty in India. The Commission “recognized the immense suffering caused by the death row phenomenon as a seemingly inevitable consequence of the imposition of the death penalty; this recognition supports the emergence of a customary norm that considers the death penalty as, per se, running afoul of the prohibition of torture and cruel, inhuman or degrading treatment.”

China amended several provisions of its Criminal Law after the session of the National People's Congress Standing Committee, replacing the death penalty by life imprisonment for several offences, including the smuggling of weapons, ammunition, nuclear materials and counterfeit currency; arranging for a person or forcing a person to carry out prostitution; the



# RECENT DEVELOPMENTS

obstruction of duty of a police officer; and creating rumours during wartime to mislead people. By adopting these amendments to its criminal code, China has made progress in the right direction. These new developments in India and China are considered to be in line with the general trend towards the abolition of the death penalty at a global level, even if there are isolated moves in the opposite direction.

## New UN Ombudsperson

Catherine Marchi-Uhel was appointed as Ombudsperson by the Secretary-General on 13 July 2015. She took up her official duties on 27 July 2015. The first Ombudsperson, Kimberly Prost was appointed by the Secretary-General on 3 June 2010 and she took up her official duties on 14 July 2010. She was re-appointed for 30 months on 1 January 2013. She left office as of 14 July 2015. The Ombudsperson's Office has jurisdiction to review and delist individuals on the Al Qaida sanctions lists, but individuals and entities on the 15 other sanctions lists do not have access to this process. Instead, they may request a review from the Focal Point, which has a far less developed procedure and does not have the characteristics of an independent institution. The institution has not been streamlined into the UN system, and despite its important work, the post of Ombudsperson has been considered that of a consultant. A number of countries have argued that the

Ombudsperson's jurisdiction should be extended to other regimes, although politically, it is clear that if that happens, it would be the various sanctions regimes involving situations in Africa that would benefit, but not in the short or medium term, those involving WMD sanctions.

## ICJ Rules (14-2): It Has Jurisdiction to Hear Bolivia's Claim Against Chile

ICJ ruled (by 14 votes to 2), on 24 September 2015, that the Court does have jurisdiction to hear Bolivia's claim that Chile has violated its legal obligation to negotiate "sovereign access to the sea" despite a 1904 Treaty that had settled the borders between the two countries. On 20 October 1904, the Parties signed the Treaty of Peace and Friendship (hereinafter the "1904 Peace Treaty"), which officially ended the War of the Pacific as between Bolivia and Chile. Under that Treaty, which entered into force on 10 March 1905, the entire Bolivian coastal territory became Chilean and Bolivia was granted a right of commercial transit through Chilean ports. The Court notes that, since the conclusion of the 1904 Peace Treaty, both States have made a number of declarations and several diplomatic exchanges have taken place between them regarding the situation of Bolivia vis-à-vis the Pacific Ocean. Bearing in mind the subject-matter of the dispute, as earlier identified, the Court concludes that the matters in dispute are not

matters "already settled by arrangement between the parties, or by arbitral award or by decision of an international court" or "governed by agreements or treaties in force on the date of the conclusion of the [Pact of Bogotá]". Consequently, Article VI does not bar the Court's jurisdiction under Article XXXI of the Pact of Bogotá. Chile's preliminary objection must therefore be dismissed.

## DS498: India — Anti-Dumping Duties on USB Flash Drives from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu

Chinese Taipei notified the WTO Secretariat on 24 September 2015 of a request for consultations with India regarding anti-dumping duties imposed by India on USB flash drives (pen drives) imported from Chinese Taipei. Chinese Taipei claims that the measures are inconsistent with: Articles 2.1, 2.2, 2.4, 2.6, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 5.2, 5.3, 5.10, 6.1, 6.2, 6.4, 6.5, 6.6, 6.8, 6.9, 6.10, 6.11, 9.3, 12.2 and 18 and Annex II of the Anti-Dumping Agreement; and Articles VI and X:2 of the GATT 1994. On 24 September 2015, Chinese Taipei requested consultations with India regarding anti-dumping duties imposed by India on imports of USB Flash Drives originating in, inter alia, Chinese Taipei, and the investigation underlying the imposition of those duties.

# RECENT DEVELOPMENTS

## ITLOS Provisional Measure on Incident of the *Enrica Lexie*

On 24 August 2015, the International Tribunal for the Law of the Sea (ITLOS) by a majority opinion of 15:6 has asked both India and Italy to suspend all court proceedings and refrain from initiating new ones which might aggravate or extend the dispute submitted to the ITLOS for arbitration by Italy or might jeopardize or prejudice the carrying out of any decision which the arbitral tribunal may render. The ITLOS has further asked Italy and India to submit to it, the initial report on compliance of aforesaid measures not later than 24 September 2015. Above order has been passed on Italy's request for the prescription of provisional measures pending the adjudication of the dispute. Those who voted in favour of the above included President Golitsyn and Judges Akl, Wolfrum, Jesus, Pawlak, Yanai, Kateka, Hoffmann, Gao, Paik, Kelly, Attard, Kulyk, Gómez-robledo; Judge Ad Hoc Francioni; Those who voted against included Vice-president Bouguetaia; Judges Chandrasekhara Rao, Ndiaye, Cot, Lucky, Heidar.

Republic of Italy has approached ITLOS against India for the adjudication of the dispute over the *Enrica Lexie* incident, also known as the Italian marines case. Italy has invoked ITLOS's jurisdiction under the United Nations Convention on the Law of the Sea ("UNCLOS"). Under the

Article 290, paragraph 5, of UNCLOS, Italy has also sought provisional measures, pending the constitution of an arbitral tribunal: a. India shall refrain from taking or enforcing any judicial or administrative measures against Sergeant Massimiliano Latorre and Sergeant Salvatore Girone in connection with the *Enrica Lexie* Incident, and from exercising any other form of jurisdiction over the *Enrica Lexie* Incident; and b. India shall take all measures necessary to ensure that restrictions on the liberty, security and movement of the Marines be immediately lifted to enable Sergeant Girone to travel to and remain in Italy and Sergeant Latorre to remain in Italy throughout the duration of the proceedings before the Annex VII Tribunal."

India however has requested ITLOS to "to reject the submissions made by the Republic of Italy in its Request for the prescription of provisional measures and refuse prescription of any provisional measures in the present case" Among others, Indian legal team included: P.S. Narasimha, Additional Solicitor General of India; Mr Alain Pellet, Emeritus Professor, University Paris Ouest Nanterre La Défense; former Chairperson, International Law Commission; Member, Institut de droit international, Mr Rodman R. Bundy, Eversheds LLP Singapore; Member of the New York Bar; former Member of the Paris Bar; Mr Narinder Singh, Chairman, International Law Commission.

## Forthcoming Events 2015

Monthly Discussion on "International Legal Framework to Regulate Black Money" on 09 October, 2015

Monthly Discussion on "Challenges Faced by Refugees in the World Today with Special Reference to Europe- A Legal Perspective, on 06 November 2015

A Round Table on Statelessness, The State of Being: An Account of on South Asia, Jointly Organized by the MCRG and ISIL on 01 December 2015

Monthly Discussion on "Global Threat of Terror-Nature of International Response, on 04 December 2015

27th South Asia Teaching Session on International Humanitarian Law jointly organized by the ICRC and ISIL on 06 - 11 December 2015

Winter Course on International Taxation Law, 28 Dec 2015 to 01 Jan 2016

Monthly Discussion on "The Paris Agreement on Climate Change 2015", on 08 January 2016

WIPO Summer Course on Intellectual Property on 7 March – 18 March 2015

Perspectives, Jointly Organized by the IICA and ISIL, 18-19 December 2015