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For members only

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Editorial



The obituaries written on the Non-Aligned Movement (NAM) were proved premature as 14th NAM Summit held in Havana between 15 and 17 September 2006 was attended by one hundred sixty states. That the Summit was extremely significant as large number of the countries conveyed solidarity with the Cuban government and people.

The 92 page Political Declaration endorsed "the national independence, sovereignty and security of non-aligned countries". The Declaration called for the defence of multilateralism and the principles of the UN Charter, aimed at revitalising the movement. Raul Castro, the acting President of Cuba in his opening speech criticised the "doctrine of pre-emptive action, the pretext for which *inter alia*, is the fight against terrorism, the promotion of democracy or the existence of rogue states". He categorically said that under the current circumstances, the important thing for NAM was to fight for the defence of international law as per the "Bandung Principles" enunciated in 1955. He recalled the effort of the non-aligned movement in seeking a change in the current world economic order, which was "based on exploitation and plunder".

The Havana Declaration expressed its total opposition to terrorism in all its forms and manifestation and also condemned Israel's attack on Lebanon and supported a peaceful resolution of the US-Iran Nuclear dispute. The Declaration defends the rights of all countries to use atomic energy for peaceful purposes. In fact, it rightly considers even a threat of attack against peaceful nuclear installations as a "great danger to human beings and the environment", and goes on to encourage Iran to "co-operate actively and fully with the International Atomic Energy Agency (IAEA) to promote confidence and a peaceful resolution of the issue". It also calls for a "nuclear weapon-free zone in West Asia, including Israel". The Declaration also called for the urgent restructuring of the UN System, including an expansion of the Security Council (SC) and a provision to allow SC vetoes to be overruled by 2/3 majority of the General Assembly. The Summit noted that the national sovereignty of countries was being routinely trampled upon because of their refusal to subscribe to the dictates of the West. The Declaration also endorses the sustainable development of the countries of the South.

In brief, Havana Meeting of NAM raised vital issues of contemporary international relations. And it may be a concerted effort to put in place mechanism for the implementation of the Declaration adopted. Such a movement can never die as it bring to the fore the inequality and injustice that dissect the world.

Ram Niwas Mirdha

Colloquium on the Evolution of the Right to Property: Indian and German Experience

ISIL, and the Konrad Adenauer Foundation organised a Colloquium on the Evolution of the Right to Property: Indian and German Experience at ISIL premises on 4 October 2006. Shri Ram Niwas Mirdha welcomed the chief guest Hon'ble Justice Mr. A. M. Ahmadi, Former Chief Justice of India and other dignitaries and explained the objectives of the colloquium. He emphasised the importance of right to property in an increasingly globalised society. He appreciated the co-organiser Konrad Adenauer Foundation effort to conduct this colloquium with ISIL on such an important subject. Hon'ble Justice Ahmadi gave inaugural address and analysed the historical evolution of the right to property as a legal right in India and emphasised the implementation of this right in integrated society witnessing explosion of technologies. Mr. Julius George Luy expressed his pleasure to be present in the Colloquium. The concept of property is necessary for a modern society and in Germany property is not just a right but also an obligation. Dr. Gunter Krings, Member of Bundestag, Germany, highlighted the role of Bundestag in the development of law of property in Germany and presented a brief review of the jurisprudence of the right to property in Germany. Shri C. Jayaraj traced the historical evolution of



the right to property and observed the important role played by the German Constitution. Shri A. K. Ganqli examined the role of the Supreme Court of India in the development of jurisprudence relating to the right to property in India. Prof. K. N. Chandrasekharan Pillai, Director, Indian Law Institute, New Delhi commented that property is an elaborate social institution, which presents a series of developments from the first record of customs

and organization of early society and quoted Bentham to highlight the close relationship of the institution of property and law. Prof. Rahmatullah Khan, Secretary General, Indian Society of International Law said that he was thoroughly impressed by the presentations put forward by the Indian and German speakers and commentators. He expressed his gratitude to the speakers and audience.

Seminar on Pharmaceutical Patents and the Right to Health

ISIL, and EU-India Trade and Investment Development Programme (TIDP) organised a one day seminar on Pharmaceutical Patents and the Right to Health at ISIL premises on Saturday, 7 October 2006. Shri Ram Niwas Mirdha, President, ISIL, welcomed the chief guest Shri Ashwan Kumar, Minister of State for Industry and Commerce and other eminent scholars sharing the dias and highlighted the importance of topic undertaken in the seminar particularly for third world countries. Dr. D. Katschull, Chief Coordinator, TIDP addressed the gathering and appreciated the opening of markets in India so that more diversified investment is allowed and thereby strengthening the transfer of technology to remove the bottleneck of the country. Prof. S. K. Verma, Team Leader, TIDP-IPR, also spoke on the occasion. Prof. R. P. Anand, Executive President, ISIL, made concluding remarks. The seminar was conducted in three sessions. The sessions were chaired by Prof. S. K. Verma, Team Leader, TIDP-IPR, Prof. R. P. Anand, Executive President, ISIL, and Prof. B. C. Nimal, Professor, BHU, Varanasi respectively. Following eminent scholars presented papers namely, Prof. B. C. Nimal, Professor, BHU, Varanasi, Shri Gajanan Wankar, Executive Director, Indian Drug Manufacturer's Association, New Delhi, Dr. Rajiv Ranjan, Ministry of Commerce and Industry, Government of India, Dr. Manoj Kumar Sinha, Director, ISIL, Dr. Azim A. Khan Sherwani, Ford International Fellow, London, Ms. Leena Megalme, Medecins Sans Frontieres, Mr. Gopa Kumar, Research Officer, CENTAD, New Delhi,

Mr. Mohit Mahajan, Executive Consultant, IPR, New Delhi and Mr. Abhinav Surana, NLS, Jodhpur. Dr. Manoj Kumar Sinha, Director, ISIL, gave vote of thanks.

A Special Lecture by Dr. S. R. S. Bedi, Head of Archives Division, ICJ

ISIL organised a Special Lecture on the Role and Record of India at the International Court of Justice on Thursday, 19 October, 2006, at its premises. Dr. Manoj Kumar Sinha, Director, ISIL, welcomed and introduced the chief guest, Dr. S. R. S. Bedi, Head of Archives Divisions, ICJ, the Hague. Dr. Bedi highlighted the cases in which India was party and highlighted contributions made by India through these cases to the interpretations of the various provisions of the UN Charter and development of international law. The Seminar witnessed lively exchange of views with the audience on his presentation.

Special Lecture by Dr. Thomas Fues, German Development Institute, Germany

ISIL, organized a public lecture on 'UN Reform and the New Architecture of Global Governance' on 3 November, 2006 at its premises. Prof. Rahmatullah Khan introduced the chief guest Dr. Thomas Fues, German Development Institute,

Tulpenfeld, Bonn, Germany, and invited him to initiate the discussion. Dr. Fues examined current UN Reforms process and analysed the functions of various organs and institution of the UN in the backdrop of the issues of global governance. He highlighted the role of the various countries in this regard. Prof. Rahmatullah Khan, Secretary General, ISIL, gave vote of thanks.

Forthcoming Events

The Indian Society of International Law, International Bar Association and Bar Association of India organising Two Days Seminar on International Criminal Court at India Habitat Centre, New Delhi on 12 & 13 January 2007.

IPR Moot Court Competition, Jointly Organising by the Raison Law College, Nagpur and ISIL, at Nagpur, 2-3 February 2007.

Book Release Function, A Comprehensive Guide on Laws of Human Rights in Commonwealth Countries, compiled by Shri Bimal N. Patel at ISIL, on 2nd February 2007.

Special Lecture by Professor Hilary Charlesworth on 'Feminism, Terrorism and International Law', 12 February 2007.

Book Release Function, Hand Book on International Humanitarian Law in South Asia, edited by Prof. V.S. Mani, Director, Gujarat at ISIL, on 13 February 2007.

Annual Conference on International Law at ISIL, 24-25 March 2007.

Second South Asian Regional Henry Dunant Memorial Moot Court Competition

ISIL and the International Committee of the Red Cross (ICRC) organized the Second South Asian Regional Henry Dunant Memorial Moot Court Competition at ISIL premises. Mr. Larry Maybee, Regional Legal Advisor, ICRC made opening remarks. Shri Ram Niwas Mirdha, President, ISIL, gave welcome address and introduced ISIL activities to the gathering. Mr. Vincent Nicod, Head of Regional Delegation, ICRC also addressed the gathering and highlighted the activities of the ICRC. On this occasion, Shri U. K. Khatia, Special Commissioner, Delhi Police gave inaugural address. He appreciated the efforts of ISIL and ICRC in the dissemination of the knowledge of international humanitarian law. The competition lasted for three days from 27th October to 29th October 2006. Winners of the National Rounds of Henry Dunant Memorial Moot Court Competition conducted separately in countries of Bangladesh, Iran, Nepal, Pakistan, Sri Lanka, and India participated in the competition.

The competition was conducted in two stages, Round Robin and Final Rounds. The participants were judged on the basis of their written memorials, appreciation of facts and law,



advocacy skills, use of authorities and citations, general impression and court manners. Prof. Lakshmi Jambholkar, Dr. V. D. Sharma, Dr. A. Sudhakara Reddy, Shri Y. S. R. Murthy, Wg. Cdr. U. C. Jha, Dr. Luther Rangrej, Dr. Burra Srinivas, Dr. Ravindra Pratap and Shri Shikhar Ranjan judged the teams in Round Robin.

Mr. Justice Y. Bhaskar Rao, Member, National Human Rights Commission, Mr. Justice Madan B. Lokur, Judge Delhi High Court and Mr. Justice

Ravindra Bhatt were the final round judges. University of Dhaka, Bangladesh and National Law School, Jodhpur was the winner and the runner up of the Competition respectively. Mr. Niran Joshua Anketell, Sri Lanka was adjudged the Best Advocate, Ms. Nupur Kabra, National Law School, Jodhpur won the Best Researcher award, and Nepal won Best Memorial Award in this Competition. Justice Y. Bhaskar Rao gave valedictory address and Dr. Manoj Kumar Sinha, Director, ISIL, gave a vote of thanks.

Seminar on Contemporary Challenges to the United Nations

ISIL and the Indian Federation of UN Associations (IFUNA) organized a one-day Seminar on Contemporary Challenges to the United Nations on Saturday, 28th October, 2006, at ISIL premises. Shri Ram Niwas Mirdha, President, ISIL, welcomed the chief guest Shri I. K. Gujral, Former Prime Minister of India and gathering and also introduced the activities of the ISIL. Shri Suresh Shrivastava, Secretary General, IFUNA, addressed the gathering and highlighted the contribution of IFUNA. Mrs. Shalini Dwan, Director, UN Information Centre, Delhi, highlighted the role of UN in tackling various crises faced by the international community. Dr. R. K. Dast, Treasurer, ISIL, presented a paper and discussed the purposes and principles of the UN and analysed the challenges to UN enforcement measures mentioned under the UN Charter. On this occasion, Prof. R. P. Anand, Executive President, ISIL, also addressed the gathering and traced India's contribution in the establishment of the UN. Prof. Rahmatullah Khan, Secretary General, ISIL, made concluding remarks and gave vote of thanks.

One Week 9th South Asian Teaching Session on International Humanitarian Law

ISIL and the International Committee of the Red Cross (ICRC) organized the 9th South Asian Teaching Session on International Humanitarian Law for government officers of the south Asian countries at ISIL premise from 15th November 2006 to 21st November 2006. Prof. R. P. Anand, Executive President, ISIL, welcomed the participants and traced the historical origin of the international humanitarian law. On this occasion, Shri Ram Niwas Mirdha, President, ISIL, gave inaugural address and highlighted the important contributions made by the ICRC in the progressive development and implementation of international humanitarian laws. Mr. Larry Maybee, Regional Legal Advisor, ICRC also spoke on the occasion. Prof. Rahmatullah Khan, Secretary General, ISIL, gave concluding remarks. 28 participants from seven South Asian countries from different backgrounds viz., government officials, Law College/Universities teachers, attended this Teaching Session. Eminent experts Prof. Rahmatullah Khan, Secretary-General, ISIL, Prof. V. S. Mani, Director, Gujarat National Law School, Gujarat, Prof. R. Venkat Rao, Professor of International Law, Mr. Larry Maybee, Regional Legal Advisor, ICRC, Dr. A. Sudhakara Reddy, Legal Officer, MEA, Government of India, Dr. Manoj Kumar Sinha, Director, ISIL, Wg. Cdr. U. C. Jha, Visiting Faculty, ISIL and Dr. Ch. Banerjee, Legal Officer, ICRC delivered lectures on various aspects of the international humanitarian law. The valedictory address was delivered by Prof. Rahmatullah Khan, Secretary General, ISIL.



International Conference on Private International Law

The International Conference on Private International Law was organised by ISIL on 2 & 3 December 2006, at ISIL premises. The Conference was divided into three working sessions each day on both days, besides the inaugural and the valedictory sessions. The topics undertaken in the sessions were the following: Family Laws: Marriage and Matrimonial Causes including Maintenance, Child Custody and Abduction, Inter-country Adoption, Commercial Contracts: Choice of Law, Securities with Intermediaries and Dispute Settlement, IPR, Civil Wrongs, Recognition and Enforcement of Foreign Judgments and Commercial and Legal Co-operation.

Shri Vysalar Ravi, Hon'ble Minister of Overseas Indian Affairs, Government of India, inaugurated the conference on 2 December 2006 at ISIL Auditorium. He emphasized the complex problem of breakdown of marriages of NRI couples and their accentuating the relevance of Hague Conference, was happy to inform that Indian Government would soon become the member of the Hague Conference on Private International Law. Dr. Hans van Loon, Secretary - General, Hague Conference on Private International Law, The Hague, The Netherlands, Ms. dr Vesna Lazic, Senior Researcher, TMC Asser Institute, The Hague, The Netherlands and Smt. Ginja Vyas, Chairperson, National Commission for Women also addressed the session. Shri Ram Nawaz Mirza, President, ISIL, welcomed the



guests and the delegates and Prof. Rahmatullah Khan, Secretary General, ISIL, proposed a vote of thanks. In the evening a colourful cultural programme was performed by the artistes of Sahitya Kala Parishad, New Delhi.

Nearly 300 delegates of whom 35 from abroad participated in this conference. The delegates had come from various backgrounds such as International Institutions,

Government Ministries, Universities, Law Colleges and Non-Governmental Organisations. Dr. Hans Van Loon, Secretary General, Hague Conference of Private International Law, Prof. R. P. Anand, Lord Justice Thorpe, Head of International Family Law for England and Wales, Shri R. K. P. Shankardass, Senior Advocate, Supreme Court of India, Mr. William Duncan, Deputy Secretary General, Hague Conference of Private International Law, Prof. Ved P. Nanda, Vice-President, Director, International Legal Studies Programme, University of Denver, USA, Mr. Naminder Singh, Joint Secretary, Legal and Treaties Division, MEA, Government of India, Dr. R. K. Dixit, Treasurer, ISIL, Mr. Ben Reuben Angwe, Head of Department, University of Jos, Nigeria chaired and co-chaired the sessions. The presentations were made by the following delegates: Prof. V. C. Govindaraj, Vice-President, ISIL, Dr. Christophe Bernasconi, First Secretary, Hague Conference on Private International Law, Prof. Mrs. Lakshmi Jambhikar, Former Professor, University of Delhi, Prof. B. C. Nimal, BHK, Varanasi, Ms. dr Vesna Lazic, Senior Researcher, TMC, Asser Institute, Shri A. K. Ganguli, Senior Advocate, Supreme Court of India, Mr. Adewale Adediji Adisa, Obafemi Awolowo University, Nigeria, Mr. Oyetunde Olatunji Sunday, Faculty of Law, Obafemi Awolowo University, Nigeria, Shri C. Jayaraj, Advocate, Supreme Court of India and former Secretary-General, ISIL, Ms. Jane



Steelewood, Member of the Commonwealth, Australia, Mr. Thomas Olatunji Sunday, Director, Mediation Centre, Ministry of Justice, Oyo State, Nigeria, Dr. J. C. Batra, Senior Advocate, Supreme Court of India, Dr. Luther Rangrej, Legal Officer, L&T Division, Ministry of External Affairs, Government of India, Mr. Henry Setright QC, Renaissance Chambers, Gray's Inn, England, Mr. Teertha Gupta, Renaissance Chambers, Gray's Inn, England, Ms. Anne Marie Hutchinson, O. B. E., The Chair of International Bar Association, UK, Shri Anil Malhotra, Advocate, Chandigarh High Court, Shri Ranjit Malhotra, Advocate, Chandigarh High Court and Smt. Versha Sharma, Reader, D. C. College, Kanpur. The Conference witnessed lively interventions by delegates during all sessions. Totally 34 papers were presented by Indian and overseas experts. A valedictory session was held on 3 December 2006 at the ISIL Auditorium. Prof. R. P. Anand, Executive President, ISIL, chaired the valedictory session. In his address, he referred to the paradigm shift that ISIL undertook by organising this seminar, namely, diversification into private international law. Lord J. Thorpe, Dr. Hans Van Loon, Ms. dr Vesna Lazic and Mr. Ben Reuben Angwe also spoke on the occasion and extended compliments to ISIL for organising this conference.

Public Lecture on the UN Security Council: Boom or Bust?

ISIL organized a public lecture on *The UN Security Council: Boom and Bust?* on 15th November, 2006 at its premise. Prof. Rahmatullah Khan introduced the chief guest Mr. David M. Malone, His Excellency, High Commissioner of Canada, New Delhi and invited him to deliver lecture. Mr. Malone analysed the role of the Security Council in the present context and highlighted the needs to reform the present structure of the Security Council to address the demands of the newly emerging states. Dr. Manoj Kumar Sinha, Director, ISIL, gave vote of thanks.

Seminar on Threats and Challenges of HIV/AIDS in India and Africa

The Indian Society of International Law organized a one-day seminar on *Threats and Challenges of HIV/AIDS in India and Africa* on 4th December 2006 at its premises. Dr. Manoj Kumar Sinha, Director, ISIL, welcomed the chief guest and the gathering. Presentations on various aspects were made by the following eminent scholars: Mr. Oyetunde Olatunji S., Lecturer, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria, Mr. Odunsi S. Babalemi, Lecturer, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria, Mr. Ying-Ru Lo, Regional Adviser (HIV/AIDS),

World Health Organisation, India, Dr. Jotna Sokhey, Additional Project Director, National AIDS Control Organisation (NACO), Ms. Leena Megahney, Medecins Sans Frontieres and Ms. Kajal Bharadwaj, Consultant, Lawyer Collective. Dr. Manoj Kumar Sinha, Director, ISIL, gave vote of thanks.

ISIL Researcher's Visit

Shri Vinal Kumar Singh, Researcher, ISIL participated in the *Public International Trade Law Course (PITLC)* organised by the International Development Law Organisation (IDLO) at Asia Pacific Training Centre, Sydney, Australia, from 3 - 25 November 2006.