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For members only

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Editorial



On 15 November 1998 Palestine officially declared itself as "the State of Palestine", when the Palestine Liberation Organization's (PLO) National Council (PNC) adopted the unilateral Palestinian Declaration of Independence. PLO had observer status at the United Nations as a "non-state entity" since 22 November 1974, which entitled it to speak in the UN General Assembly, but not to vote. 127 of the 193 member states of the United Nations have recognised 'the State of Palestine'. Those that do not so recognise 'the State of Palestine' nevertheless recognise PLO as the "representative of the Palestinian people". In states that recognise 'the State of Palestine' it maintains embassies. PLO is represented in numerous international organizations as member, associate or observer. There is divergence of views on the status of Palestine among states as well as legal scholars. In September 2011 President Mahmoud Abbas submitted an application to the United Nations to accept Palestine as a member state which entailed collective recognition of 'the State of Palestine'.

For a comprehensive view of a politically surcharged situation one may see the positions of some dominant and potential strategic countries on the determination of the UN membership of 'the State of Palestine'. Russia, Spain and the People's Republic of China publicly pledged their support for the Palestinian bid as have inter-governmental organisations such as the African Union, and the Non-Aligned Movement.

Recently, many states made official statements on this issue. South African President Jacob Zuma, on 21 September, 2011 has supported the Palestine's sovereign status and urged other countries to back the move. On the very day, France said that the Palestine should become an observer State at the United Nations as an intermediate step towards becoming a full Member State. At the General Assembly, Kuwait and Bahrain demanded creation of Palestinian State. They also called for an end to Israeli occupation of Arab territories which they said would resolve the conflict in the Middle East.

Israeli has taken steps to counter the initiative of PLO. Germany, Italy, Canada and the U.S. have announced publicly they would vote against the resolution. The U.S. Congress passed a bill denouncing the initiative calling on the Obama administration to veto any resolution that would recognise a Palestinian state. Britain said it would recognise Palestine as a state, but only with non-member observer status, rather than full membership at the United Nations.

The European Parliament passed a resolution stating that it "supports and calls on member states to be united in addressing the legitimate demand of the Palestinians to be represented as a state at the United Nations". Andorra, Croatia, Dominica, Granada, Ireland, Kiribati and Norway are prepared to recognise Palestine as a UN Member.

Rahmatullah Khan

RECENT ACTIVITIES

RECENT ACTIVITIES

FELICITATION OF DR. M. GANDHI, JOINT SECRETARY, L&T DIVISION, MEA, GOVERNMENT OF INDIA

ISIL organised a programme on 10 August 2011 at its premises to felicitate Dr. M. Gandhi who has been recently elevated to Joint Secretary of L&T Division, MEA, Government of India. Dr. Gandhi briefly mentioned his role and responsibility in the L&T Division. A shawl was presented by Prof. Rahmatullah Khan, Secretary General on his elevation. Prof. Khan, presided over the function amidst the loud applause from the gathering which included representatives of ICRC, Regional Delegation, New Delhi and UNHCR Delegation. Prof. S. K. Verma, Director, ISIL congratulated Dr. Gandhi for his achievements and gave a formal vote of thanks.

BOOK RELEASE FUNCTION

ISIL organized a Book Release Function on 19 August 2011 at its premises. The book titled "Select Essays of Private International Law" edited by Prof. Lakshmi Jambholkar, Former Executive Council Member of ISIL published by Universal Law Publishing Co, New Delhi was released by Hon'ble Justice Vikramajit Sen, Judge, Delhi High Court. On the occasion, Prof. Rahmatullah Khan, Secretary General, ISIL, Shri Narinder Singh, Member, International Law Commission and Dr. M. Gandhi, Joint Secretary, L&T Division, MEA, Government of India were among made valuable comment on the book. The book is a collection of papers presented by eminent scholars of private international law in the 4th International Conference on Private International Law held on 2&3 December at ISIL, New Delhi. Prof. Jambholkar expressed thanks to ISIL for giving her kind consent to edit and publish the book.

ELEVENTH HENRY DUNANT MEMORIAL MOOT COURT COMPETITION (NATIONAL ROUND)

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

Eleventh Henry Dunant Memorial Moot Court Competition at its premises from 22nd to 25th September 2011. Prof. Rahmatullah Khan, Secretary General, ISIL, gave welcome address. On this occasion Hon'ble Justice A. K. Sikri, Judge, Delhi High Court of India gave inaugural address. He appreciated team members participations and underlined the importance of the event in the present day which equip the students to develop skills and create asset for the bar of the country. Mr. Francois Stamm, Head of the Regional Delegation, ICRC, New Delhi also addressed the gathering and spoke on the importance of the subject of the moot court competition and highlighted the contribution of the ICRC in the development of international humanitarian law. Participants from 63 law universities and/ colleges came to participate in the Competition. Prof. S. K. Verma, Director, ISIL gave a formal vote of thanks.

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. Hon'ble Justice Ravindra Bhat, Judge, Delhi High Court, His Excellency, Prof. (Dr.) Gudmundur Eiriksson, Ambassador of Iceland to India and Dr. M. Gandhi, Director, L&T Division, MEA, Government of India, were the final round

judges. NALSAR, Hyderabad and National Law School of India University (NLSIU), Bangalore were the winner and runner up of the Competition respectively. Mr. Parthan S. Vishwanathn, Jindal Global Law School, Sonapat was adjudged the Best Advocate, Ms. Mini Saxena, National Law University, Delhi, won the Best Researcher award, and National Law School, Jodhpur won Best Memorial award in this Competition. Hon'ble Justice Bhat gave valedictory address on the occasion.

CONVOCATION AND INAUGURATION 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 2 September 2011. The ceremony was also marked to inaugurate Post Graduate Diploma and Certificate Courses 2011 conducted by the Indian Academy of International Law and Diplomacy, a teaching wing of the Indian Society of International Law. Prof. S. K. Verma, Director, ISIL welcomed and introduced the chief guest Hon'ble Justice J. R. Midha, Judge, High Court of Delhi and invited him to give inaugural address. Hon'ble Justice Midha distributed certificates to students of ISIL. *Ms. Sneha Palit* received *V. K. Krishna Menon Memorial Prize* for



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securing the highest marks in the Post Graduate Diploma Course in International Law and Diplomacy; *Ms. Naheed Shoogufan* received *K. Krishna Rao Memorial Prize* for securing the highest marks in the Post Graduate Diploma Course in International Trade and Business Law; *Mr. Bijendra Singh* 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; and *Ms. Nancy Roy* received *M. K. Nawaz Memorial Prize* in the P.G. Diploma Course on Intellectual Property Rights. *Ms. Usha Grace Anthony* secured highest marks in P G Diploma Course in Environmental Law.

RECENT DEVELOPMENT

INCB REGRETS BOLIVIA'S DENUNCIATION OF CONVENTION ON NARCOTIC DRUGS

The International Narcotics Control Board (INCB), an independent United Nations body tasked with monitoring the production and consumption of narcotics worldwide, on 5 July 2011, voiced regret at Bolivia's decision to denounce the key international drug control convention, to which it had previously acceded. The board requested the Bolivian Government to consider all the implications of its decision and invited it to do so in the context of the shared responsibility of all countries in dealing with the international drug problem.

The Single Convention on Narcotic Drugs was signed in 1961 and amended in 1970 to codify all multilateral treaties on Cocaine haul drug control. It extended control systems to include the cultivation of plants that are grown as the raw material of narcotic drugs. It was intended to limit the possession, use, trade, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes, and to tackle drug trafficking through international cooperation to deter drug trafficking.

SECURITY COUNCIL AMENDS JUDICIAL ELIGIBILITY RULES FOR UN TRIBUNAL FOR RWANDAN GENOCIDE

The Security Council, on 6 July 2011, amended the Statute of the United Nations Tribunal for the 1994 Rwandan genocide to make non-permanent judges eligible to both vote for the presidency of the court and to become president themselves. In a unanimous resolution on the International Criminal Tribunal for Rwanda (ICTR), the Council also decided that a non-permanent or ad litem judge elected as President of the tribunal "may exercise the same powers as a permanent judge." The resolution, however, added that the amendment will not alter the status of an ad litem judge who is elected president or give rise to any additional allowances or benefits other than those which already exist. There will also be no changes of the current terms and conditions of

service as an ad litem judge. An ad litem judge elected as vice president of the tribunal may act as president when required to do so by under the tribunal's statute or rules of procedure and evidence, which will not alter his or her status or give rise to any additional allowances or benefits other than those which already exist, according to the resolution.

UN WELCOMES SOUTH SUDAN AS 193rd MEMBER STATE

The General Assembly, on 14 July 2011, admitted the Republic of South Sudan as the 193rd member of the United Nations, welcoming the newly independent country to the community of nations. South Sudan's independence from the rest of Sudan is the result of the January 2011 referendum held under the terms of the 2005 Comprehensive Peace Agreement (CPA) that ended the decades-long civil war between the North and the South. Earlier the Security Council, on 13 July 2011, recommended to the General Assembly that the Republic of South Sudan be admitted to membership in the United Nations, bringing the new nation one step closer to becoming the world body's 193rd member. The Council's decision was contained in a resolution that it adopted without a vote, on the recommendation of its Committee on the Admission of New Members, which reviewed the application for membership submitted by the President of South Sudan.

The latest country to join the world body had until now been Montenegro, which was the 192nd UN Member State.

ISRAEL'S RESTRICTIVE ZONING RULES FORCE PALESTINIANS OUT OF WEST BANK AREA – UN REPORT

Restrictive planning measures applied by Israeli authorities in the zone of the West Bank known as Area C are forcing Palestinian residents out of the area, mainly because the zoning rules make it virtually impossible for them to obtain building permits, according to a United Nations report released on 1 August 2011. The territory known as "Area C" represents over 60 per cent of the West Bank where Israel retains control over security, planning and building.

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Other factors forcing Palestinians to abandon their homes in this area include the construction of the barrier and other movement restrictions, reduced income, home demolitions and difficult access to services such as schools and water, according to "Displacement and Insecurity in Area C of the West Bank," which is prepared by the UN Office for the Coordination of Humanitarian Affairs (OCHA). It is estimated that 150,000 Palestinians live in Area C, which has the most significant land reserves available for Palestinian development, as well as the bulk of Palestinian agricultural and grazing land. Some 300,000 Israeli settlers live in approximately 135 Israeli settlements and 100 settlement outposts in Area C, with the settler population growing at a significantly faster pace than in Israel. The report is based on field visits to a geographically diverse group of residents in Area C, representing sedentary villages, and Bedouin and other herding communities, as well as refugee and non-refugee populations. OCHA called on the Israeli Government, among other measures, to end the displacement and dispossession of Palestinians in occupied Palestinian territory, including immediately ceasing demolitions of Palestinian-owned structures, until Palestinians have access to a fair and non-discriminatory zoning and planning regime.

NEW REGULATIONS TO REDUCE MARINE POLLUTION IN ANTARCTIC ENTER INTO FORCE – UN

A ban on pollution from heavy grade fuel oils in the Antarctic region goes into effect, on 1 August 2011. The amendments to International Convention for the Prevention of Pollution From Ships (MARPOL) detailing specific densities of crude oil which should not be used in the Antarctic mean that ships plying that area with lower grade fuel will have to switch to a higher fuel while in the area. MARPOL has 136 parties, representing 98 per cent of the world's shipping tonnage. MARPOL will be formally establishing a North American Emission Control Area (ECA), in which emissions of sulphur oxides, nitrogen oxides and particulate matter from ships will be subject to more stringent controls than the limits that apply globally. The ECA will take effect 12 months after the amendments enter into force on 1 August 2012. There are currently two designated ECAs, both on

sulphur oxides in the Baltic Sea area and the North Sea area. In July 2011, IMO adopted MARPOL amendments to designate certain waters adjacent to the coasts of Puerto Rico and the Virgin Islands as another ECA. The MARPOL amendments are expected to enter into force on 1 January 2013, with the new ECA taking effect 12 months later.

HUMAN RIGHTS COUNCIL ORDERS INQUIRY INTO SYRIAN VIOLENCE

United Nations Human Rights Council (UNHRC), on 23 August 2011, called for an immediate end to all violence in Syria and decided to dispatch an independent international commission of inquiry to investigate alleged abuses committed during the Government's crackdown on protesters. In a resolution adopted at the end of a two-day special session of UNHRC also strongly condemned the "continued grave and systematic human rights violations by the Syrian authorities." By a vote of 33 in favour to 4 against, with 9 abstentions, the 47-member UNHRC also welcomed the report of the fact-finding mission of the Office of the High Commissioner for Human Rights (OHCHR), which UN human rights chief Navi Pillay presented, on 22 August 2011, and expressed profound concern about its findings. The report, which covered the period from 15 March to 15 July, outlined a litany of Government abuses ranging from murder, enforced disappearances, deprivation of liberty and the torture even of children to an apparent "shoot-to-kill" policy against protesters with snipers posted on rooftops. The probe ordered, on 23 August 2011, by the UNHRC will investigate all alleged violations of international human rights law since March 2011, and establish the facts and circumstances that may amount to such violations and of the crimes perpetrated. It will also, where ever possible, identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable. The resolution requests that the report of the commission of inquiry be made public as soon as possible.

Thereafter, the United Nations Human Rights Council, on 12 September 2011, appointed three experts to probe alleged abuses in Syria, where the number of people killed since the start of the Syrian Government's crackdown on protesters earlier this year has now reportedly reached at least 2,600. Sergio Pinheiro of Brazil will chair the independent commission of inquiry

to investigate all alleged violations of international human rights law in Syria since March, when the prodemocracy protests began. Mr. Pinheiro, a former professor and human rights expert for the Council, will be joined by Yakin Ertürk of Turkey, who is currently a professor of sociology and former UN official dealing with women's issues, and Karen AbuZayd of the United States, who most recently served as head of the UN agency assisting Palestinian refugees.

GRENADA, PHILIPPINES AND MALDIVES ACCEDES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC), on 23 August 2011, welcomed Grenada as a new State party to the Rome Statute, the treaty that established the tribunal, three months after the Caribbean nation deposited its instrument of accession to the accord, becoming the 115th signatory. The statute took effect in Grenada on 1 August 2011.

Also, Philippines, on 30 August 2011, acceded to the Rome Statute, the treaty that established the International Criminal Court (ICC), when it deposited its instrument of ratification at the United Nations in New York. The Statute will enter into force for the Philippines on 1 November, bringing the total number of States that have joined the Rome Statute system to 117.

Maldives, on 21 September 2011 acceded to the Rome Statute became the 118th State Party to the ICC. The Indian Ocean archipelago acceded to the 1998 Rome Statute as part of the annual United Nations treaty event aimed at boosting countries' engagement in the international treaty framework.

UN-BACKED CLIMATE CHANGE TECHNOLOGY MECHANISM TEAM CONCLUDES FIRST MEETING

Members of the technology executive committee created under the United Nations climate change convention to facilitate the use of technology to support mitigation and adaptation to climate change concluded their first meeting on Saturday, 3rd September 2011, saying they had made important progress on issues discussed. Meeting in Bonn, members of the Technology Executive

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Committee (TEC), the policy arm of the convention's Technology Mechanism, deliberated on how the TEC will provide technology needs, assess policy and technical issues related to technology development and transfer. The three-day meeting also discussed sharing information on new and innovative technologies, facilitating action on technology and ways to engage stakeholders to build the momentum on the Technology Mechanism. The TEC also discussed ways of engaging a wide range of stakeholders at international, regional and national level, including public institutions, the business community, academia and NGOs in conducting its work. The Committee identified options for the engagement of stakeholders, including through participation in the TEC meetings as observers or expert advisers, where applicable. The TEC members unanimously elected Gabriel Blanco of Argentina as chair and Antonio Pflueger of Germany as his deputy and gave them the mandate to collaborate closely in chairing the meetings and carrying out the committee's work to ensure coherence between the meetings. The meeting also set up its housekeeping system, which details the procedures the TEC will adhere to in its work. As the policy arm of the Technology Mechanism, the TEC has the key responsibility of laying the groundwork for making the mechanism fully operational. The Technology Mechanism was established at the UN Climate Change Conference in Cancun in December 2010 as part of a set of institutions created to protect vulnerable societies from climate change and to use funds and technology to help developing countries plan and build their own sustainable futures.

UN COURT COMPLETES HEARINGS ON GERMAN SUIT AGAINST ITALY ON WAR REPARATIONS CLAIMS

The United Nations International Court of Justice (ICJ) completed public Hearings, on 16 September 2011, of a German complaint against Italy over Italian court awards of damages to victims of Nazi war crimes committed nearly 60 years ago, and said it will soon render its verdict. Germany said it had already paid reparations under international treaties with Italy and argued that as a sovereign State it has immunity in Italian courts. At the same time it fully

acknowledged the untold suffering inflicted on Italians during World War II. It requested the ICJ, to adjudge that Italy "must, by means of its own choosing, take any and all steps to ensure that all the decisions of its courts and other judicial authorities infringing Germany's sovereign immunity become unenforceable." Italy asked the ICJ to adjudge Germany's claims to be unfounded. Germany filed the case in December 2008 after a court in Italy ordered Berlin to compensate an Italian civilian sent to a German labour camp in 1944, claiming that the ruling failed to respect the jurisdictional immunity that present-day Germany has a right to under international law. After that ruling, numerous other proceedings were instituted before Italian courts by others who had suffered injury due to the war, and enforcement measures have already been taken against German assets in Italy, including a "judicial mortgage" on a German-Italian cultural centre, the Villa Vigoni. In its presentation seeking dismissal of Germany's claims, Italy said it "has no objection to any decision by the court obliging Italy to ensure that the mortgage on Villa Vigoni inscribed at the land registry is cancelled." Under various agreements, Germany has paid tens of millions of dollars in reparations for crimes committed during World War II.

OUTSOURCING TO PRIVATE SECURITY CONTRACTORS THREATENS RIGHTS, UN PANEL WARNS

A United Nations panel, on 14 September 2011, called for greater regulation of mercenaries and private military and security companies by both host and contributor countries to ensure respect for human rights and accountability for any abuses committed. "Outsourcing security creates risks for human rights," panel Chair-Rapporteur Faiza Patel told the UN Human Rights Council in Geneva in presenting reports on Iraq, South Africa and Equatorial Guinea. The three countries present different aspects of the problem, with Iraq a major theatre of operations by private military and security companies; South Africa a major source of people with extensive military skills and experience unwilling or unable to find jobs since the end of apartheid in 1994; and Equatorial Guinea the scene of a 2004 coup attempt involving mercenaries. The panel, whose full title is the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of

peoples to self-determination, noted in its report on Iraq that incidents involving private military and security companies there had dropped since the killing of 17 civilians and wounding of 20 others in the Nissour Square in Baghdad by the employees of the United States security company Blackwater in 2007. But it added that Iraq continues to grapple with the grant of legal immunity extended to private security contractors by US authorities after the 2003 invasion, preventing prosecutions in Iraqi courts while the case against the alleged perpetrators is still pending in US courts. "The Working Group is deeply concerned about the lack of accountability for violations committed between 2003 and 2009 and recalls that the victims of such violations and their families are still waiting for justice," the report said, calling on Iraq to clarify urgently whether a provision it signed with the US in 2009 removing immunity of some private foreign security contractors covers all contractors employed by the US Government and is applied in Iraqi courts.

On South Africa the panel noted that legislation passed in 1998 has not had a significant impact on the private military and security industry, and new laws adopted after the attempted coup in Equatorial Guinea, in which several South African mercenaries were involved are not yet in force. "While such legislation seeks to address some of the problems encountered previously, it remains to be seen whether the new legislation will effectively regulate the provision of security services in areas of armed conflict," it said, calling for accountability mechanisms for private military and security companies at the domestic level as well as effective remedies for potential victims of human rights violations involving such companies. The report on Equatorial Guinea noted that the 2004 coup attempt was the most widely reported incident clearly involving mercenaries, some of them employees or former employees of private military and security companies from several countries, illustrating "possible close and disturbing links" between mercenaries and such companies. This makes the monitoring of such links all the more necessary, it said, calling on the Government to adopt laws to regulate the activities of such companies and their employees.

Turning to an armed attack on the presidential palace in Malabo, the capital, by alleged mercenaries in 2009, the panel

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regretted the authorities' lack of transparency and lack of cooperation extended during its visit to the country. "The Working Group urges the Government to provide explanations as to how the four men on trial were brought back from Benin to Equatorial Guinea," it said, strongly condemning their execution after a summary trial "that severely lacked due process and was carried out so promptly as to deny the four men all possibility of appeal." It urged the Government to make available to the public full information on all judgments rendered in the criminal cases relating to the attack. "Since all mercenaries should be held accountable for their actions, the Working Group recommends that anyone who is accused of involvement in a mercenary-related incident be tried by a competent, independent and impartial tribunal and in compliance with international human rights standards," the report concluded. "The Working Group also recommends that anyone accused of involvement in a mercenary-related incident be treated in accordance with international human rights standards, in particular the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

PALESTINIANS SUBMITTED UN MEMBERSHIP APPLICATION

On 19 September 2011, the President of the Palestinian Authority, Mahmoud Abbas, told Secretary-General Ban Ki-moon that he intends to submit an application this Friday for Palestine to become a United Nations Member State. During their meeting, which took place at UN Headquarters on the margins of the 66th session of the General Assembly, Mr. Ban informed Mr. Abbas of his intention to perform his duties under the UN Charter. Palestine currently has observer status at the UN. "The Secretary-General reiterated his support for the two-State solution and stressed his desire to ensure that the international community and the two parties can find a way forward for resuming negotiations within a legitimate and balanced framework," Mr. Ban's spokesperson, Martin Nesirky, told reporters. The Secretary-General also discussed with Mr. Abbas the ongoing efforts in this regard by the diplomatic Quartet, comprising the European Union, Russia, the UN and the United States. Israeli-Palestinian peace talks have been

stalled since late September 2010 following Israel's refusal to extend a 10-month freeze on settlement activity in the occupied Palestinian territory. That decision prompted Mr. Abbas to withdraw from direct talks with Israeli Prime Minister Benjamin Netanyahu, which had only resumed a few weeks earlier after a two-year hiatus.

Many states made official statement on this issue. South African President Jacob Zuma, on 21 September, 2011 told the General Assembly that his country supported the intention of the Palestinian Authority to seek full membership of the United Nations as a sovereign State and urged other countries to back the move. And on 21 September 2011 France said that the Palestine should become an observer State at the United Nations as an intermediate step towards becoming a full Member State. Addressing the General Assembly's annual general debate, Mr. Sarkozy said granting Palestine the status of observer State "would be an important step forward" in resolving the long-running Middle East conflict.

On 21 September 2011, the General Assembly President and the President of the Palestinian Authority have held talks focusing on the Palestinians' imminent move to apply for full membership at the United Nations. In a meeting, on 20 September 2011 in New York, held on the eve of the Assembly's annual general debate, PA President Mahmoud Abbas briefed Assembly President Nassir Abdulaziz Al-Nasser on his meeting with Secretary-General Ban Ki-moon earlier this week. At that meeting Mr. Abbas informed Mr. Ban that he would present him with a letter requesting all UN Member States to support the full membership of Palestine in the world body.

On 20 September 2011, Mr. Al-Nasser also met Belgium's Deputy Prime Minister Steven Vanackere, and their talks touched on the situation in the Middle East, including the Palestinian issue. They discussed the importance of mediation, which Mr. Al-Nasser has stated would be one of the key pillars of the 66th session of the General Assembly. The President of the General Assembly also conferred with the Prime Minister of Montenegro, Igor Luksic, the country's Foreign Minister Milan Rocen, as well as its State Secretary for Political Affairs, Nebojsa Kaludjerovic.

Richard Falk, the Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967, an independent

United Nations human rights expert, on 22 September 2011, called on Member States to recognize "the reality of Palestinian statehood," and urged Israel to listen to the will of the millions of people who have suffered under its occupation. "The upcoming debate on Palestine's initiative at the United Nations provides a momentous occasion for the international community to respond to a legacy of injustice," said Richard Falk.

At General Assembly, Kuwait and Bahrain demand creation of Palestinian State. The leaders of Kuwait and Bahrain, on 22 September 2011, at the General Assembly called for an end to Israeli occupation of Arab territories and the creation of a Palestinian State, a move they said would resolve conflict in the Middle East. "Six decades have passed, and the United Nations still stands incapable of finding a solution to the Palestinian Question and putting an end to the Israeli occupation of Arab territories," said Sheikh Nasser Al Mohammad Al Ahmad Al Sabah, the Prime Minister of Kuwait, in his speech to the Assembly's general debate in New York. The King of Bahrain, Hamad bin Issa Al Khalifa, for his part told the Assembly that the creation of a Palestinian State would "end an era of bitter Arab-Israeli conflict, subject to Israeli withdrawal from all occupied Arab territories." The Emir of Qatar, Sheikh Hamad bin Khalifa Al-Thani, in his address to the general debate yesterday, hailed calls for political reform in the Middle East and North Africa, saying the regions "abounded in great expectations."

Thereafter, Secretary-General Ban Ki-moon has sent Palestine's application to become a United Nations Member State to the Security Council for its consideration after receiving the bid from Palestinian Authority President Mahmoud Abbas earlier on 23 September 2011. Mr. Ban said he sent the application to Ambassador Nawaf Salam of Lebanon, which holds the Council presidency this month, in line with the provisions of the UN Charter.

Soon, the President of the Security Council, on 28 September 2011, referred Palestine's application to become a United Nations Member State to the committee that deals with the admission of new members. The Council's decision to refer the application comes almost a week after Palestinian Authority President Mahmoud Abbas submitted the application to Secretary-General Ban Ki-moon, who then forwarded it

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to the 15-member body. The Council's Committee on the Admission of New Members is slated to consider the application on 28 September 2011. Any application for UN membership is considered by the Council, which decides whether or not to recommend admission to the 193-member General Assembly, which then has to adopt a resolution for the admission of a Member State.

UN ANNUAL TREATY EVENT: HUMAN RIGHTS ACCORDS RECEIVED BOOST

The annual treaty event began in 2000 aimed at promoting greater participation in global treaties and international law. The treaty event is the UN's annual attempt to encourage States to ratify, accede or sign up to global conventions and therefore to promote the application of international law. Pursuance to this, the full session of the General Assembly will witness the States' enthusiasm in ratifying, acceding or signing the global pact. First day of the UN Annual Treaty Event 2011, that was on 20 September 2011 received ratification of ten conventions or protocols dealing with human rights. The Pacific island nation of Palau was the busiest Member State, signing up to each such pacts or protocols – part of 34 separate treaty actions taken by 21 countries on the sidelines of the General Assembly at UN Headquarters in New York.

Palau signed up to the International Convention on the Elimination of All Forms of Racial Discrimination (CERDS), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). It also signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

El Salvador also signed the ICESCR with a declaration, Montenegro ratified – also with a declaration – the enforced disappearances

convention, and New Zealand ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Beyond the human rights sphere, Nigeria acceded to both the Convention relating to the status of Stateless Persons and Convention on the Reduction of Statelessness. New Zealand ratified the Optional Protocol to the Convention on the Safety of UN and Associated Personnel and Côte d'Ivoire signed the International Cocoa Agreement, 2010.

On the environment, 20 countries signed the Nagoya Protocol, a key text on equitably sharing Earth's genetic resources and their benefits, while four European Union countries signed a supplementary protocol on biosafety. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity – which was adopted in October 2010 in the Japanese city – now has 55 signatories. Representatives of Serbia, Belgium, Bhutan, Burkina Faso, the Dominican Republic, France, Greece, Palau, Poland, Portugal, the Republic of Korea, Romania and Tajikistan added their signatures at UN Headquarters in New York. But the protocol will only enter into force some 90 days after 50 countries have consented to be bound by it, which means they must ratify the text. So far no countries have done that.

And, on 21 September 2011, nine other treaty actions took place at UN Headquarters in New York on the second day of the treaty event, with countries signing up to protocols on conventions on a range of subjects, from human rights to the environment to disarmament. Maldives signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Kyrgyzstan signed the Convention on the Rights of Persons with Disabilities and the Democratic Republic of the Congo (DRC) signed the Nagoya Protocol, which deals with the equitable sharing of genetic resources and their benefits. Trinidad and Tobago acceded to the Convention on Cluster Munitions, while Italy ratified the pact.

Spain ratified the protocol to a 1979 convention on heavy metals and air pollution, and acceded to three separate optional protocols or convention related to privileges and immunities or diplomatic and consular relations.

Suriname ratified the Stockholm Convention on Persistent Organic Pollutants and acceded to

the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

On 22 September 2011, conventions and protocols on human rights and the environment continued to receive widespread support from Member States on the third day of the annual United Nations event.

Madagascar and Grenada added themselves to the growing list of countries who have signed the Nagoya Protocol, a key text on equitably sharing the Earth's genetic resources. Madagascar also signed a protocol on biosafety, while the Solomon Islands ratified the Amendment on the Montreal Protocol on Substances that Deplete the Ozone Layer. On the human rights front, St. Lucia signed up to four accords including the International Covenant on Civil and Political Rights (ICCPR), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Convention on the Rights of Persons with Disabilities. This last one was also ratified by Bahrain. Paraguay and Ethiopia signed the multilateral agreement for a think tank for landlocked developing countries (LLDC), a day after Mongolia – which would host such a think tank at its capital, Ulaanbaatar – called for more support during its leader's address to the General Assembly's annual general debate. In the area of disarmament, the Republic of Guinea ratified the Comprehensive Nuclear-Test-Ban Treaty, the Czech Republic ratified the Convention on Cluster Munitions, and Burundi signed a convention for the control of small arms and light weapons. Other treaty actions, on 22 September 2011 included the Philippines ratifying the Convention relating to the Status of Stateless Persons, Croatia acceding to the Convention on the Reduction of Statelessness, and Andorra ratifying a convention against transnational crime.

Three countries – Croatia, Nigeria and the Philippines – on 24 September 2011, have become a party to one or both of the two major treaties on statelessness during the annual UN treaty event. With the new accessions to the treaties, the number of States Parties stand at 40 and 68 respectively.

Three African countries have also signed a

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key protocol to a United Nations treaty aimed at encouraging more equitable sharing of the world's genetic resources and their benefits, as the annual UN event resumed on 26 September 2011. Niger, Cape Verde each added their signatures to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

Cape Verde and Mozambique also signed a protocol on biosafety today, while Honduras acceded to a convention on the treatment of hazardous chemicals and pesticides in international trade.

Chile deposited its ratification of a convention on the safety of radioactive waste management with the UN International Atomic Energy Agency, while Poland agreed to be bound by a protocol on explosive remnants of war.

In other treaty actions, San Marino and Luxembourg each ratified two human rights conventions or optional protocols, while Cape Verde also signed two optional protocols relating to human rights.

Niger became the latest country to sign a multilateral agreement to set up an international think tank on the needs of landlocked developing countries (LLDCs), which is to be established in Ulaanbaatar, Mongolia. San Marino and Chile each took treaty actions relating to elements of the International Criminal Court.

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FORTHCOMING EVENTS

1. A Discussion on "United Nations: Peace and Security Issues", 24 October 2011 jointly organised by the ISIL and SAU, New Delhi.
2. A Special Lecture on "Recent UN SC Resolutions with Regard to Libya and the Responsibility to Protect" by Prof. Stephen Hobe, Director, Institute of Air and Space Law, University of Cologne, Germany, 31 October 2011.
3. A Special Lecture on "The Work of the Permanent Court of Arbitration" by Mr. Brooks W. Daly, Deputy Secretary General & Principal Legal Counsel, Permanent Court of Arbitration, The Hague, 22 November 2011.
4. Seminar on Human Rights in the Changing World, Jointly Organised by the ISIL and SAU, New Delhi, 12 December 2011

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