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For members only

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Editorial



The United Nations Climate Change Conference in Durban, South Africa, was held from 28 November-11 December 2011, with an intention to find a regulatory mechanism to deal with climate change after the end of Kyoto Protocol's first commitment period in 2012. After the frustrations at the Copenhagen conference and the struggle to rescue the multilateral climate regime in Cancun, negotiators in Durban adopted three important decisions: (i) extending the mandate of the Kyoto Protocol for another term (ii) constituting a new body called Ad hoc Working Group on Durban Platform to work on a new legally binding treaty (iii) giving final shape to the Green Climate Fund (GCF).

The Durban Climate Change Conference has extended the mandate of the Kyoto Protocol for a second term, which will begin on 1 January 2013 and end either on 31 December 2017 or 31 December 2020. The second commitment period would aim at reducing greenhouse gases by 25-40% to the levels below by 2020. However, the details of the new reduction targets (quantified emission limitation or reduction targets) have not yet been decided, this will need to take place next year.

A new body called the Ad hoc Working Group on Durban Platform to launch a process to develop a protocol, another legal instrument, or an agreed outcome with legal force under the Convention, applicable to all Parties, has been set-up. The Ad hoc Working Group on Durban does not say anything that the goal of emission reduction would be carried forward reflecting underlying national differences in emissions, wealth and capacity, following the main principles agreed in the United Nations Framework Convention on Climate Change (UNFCCC). Not containing the principle of common but differentiated responsibilities and respective capabilities does not mean that legally binding commitments for all parties will be symmetrical.

One of the sore points between the developed and the developing countries that always agitated negotiators from the latter side in the run-up to the Durban Climate Change Conference was from where the 100 billion dollar by 2020 promised to poorer countries in Copenhagen will come from. The Transitional Committee set-up to design the GCF suggested tapping money from both the public and private sector. The developing countries have agreed to the design suggested by the Committee regarding source of funding. The Committee has suggested that the GCF should be conferred juridical status and the fund could be accessed directly by the developing countries without compulsorily involving multilateral implementing agencies.

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Rahmatullah Khan

RECENT ACTIVITIES

RECENT ACTIVITIES

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

The ISIL organised a special lecture on "Recent UN SC Resolutions with Regard to Libya and the Responsibility to Protect" by Prof. Stephen Hobe, on 31 October 2011 at its premises. Prof. Rahmatullah Khan, Secretary General, ISIL, introduced the speaker, Prof. Stephen Hobe, Director, Institute of Air and Space Law, University of Cologne, Germany. Prof. Hobe concludes "with respect to a legal obligation to act the answer is rather simple: neither the Council as a whole, nor the Member States appear to perceive themselves as being under a duty of that kind. The American insistence on eradicating any reference to "obligation" from the Outcome Document is telling in this regard and no change of mind is apparent. It must therefore also be concluded that academic attempts to push the responsibility to protect in this direction are, for the time being, too far detached from practice to be convincing." The lecture witnessed lively exchange of views from the audience on his presentation.

A DISCUSSION ON UNITED NATIONS: PEACE AND SECURITY ISSUES

Indian Society of International Law (ISIL) and Faculty of Legal Studies, The South Asian University (SAU), New Delhi jointly organized "A Discussion on United Nations: Peace and Security Issues" on 24 October 2011 at ISIL premises. The discussion was chaired by Hon'ble Justice Markendey Katju, Chairman, Press Council of India. Eminent Panelists H. E. (Prof.) Gudmundur Eiriksson, Ambassador of Iceland to India, Prof. Rahmatullah Khan, Secretary General, ISIL and Mr. Vikas Kumar, a member of Indian Foreign Service in the MEA, Government of India spoke on the topic. The discussion witnessed lively exchange of views from the audience on their presentations.

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

The ISIL organised a special lecture delivered by Mr. Brooks W. Daly on "The Work of the Permanent Court of Arbitration" on 22 November 2011 at its premises. Prof. Rahmatullah Khan, Secretary General, ISIL introduced the speaker, Mr. Daly, Deputy Secretary General & Principal Legal Counsel, Permanent Court of Arbitration, the Hague. He briefly introduced the work of the Permanent Court of Arbitration (PCA) which is an intergovernmental organization with over one hundred member states. Established in 1899 to facilitate arbitration and other forms of dispute resolution between states, the PCA has developed into a modern, multi-faceted arbitral institution that is now perfectly situated at the juncture between public and private international law to meet the rapidly evolving dispute resolution needs of the international community. He mentioned that today the PCA provides services for the resolution of disputes involving various combinations of states, state entities, intergovernmental organizations, and private parties. The PCA's Secretariat, the International Bureau, headed by its Secretary-

General, provides full registry services and legal and administrative support to tribunals and commissions. Its caseload reflects the breadth of PCA involvement in international dispute resolution, encompassing territorial, treaty, and human rights disputes between states, as well as commercial and investment disputes, including disputes arising under bilateral and multilateral investment treaties. The PCA can assist in the selection of arbitrators, and may be called upon to designate or act as appointing authority. The lecture witnessed lively exchange of views from the audience on his presentation.

SEMINAR ON HUMAN RIGHTS IN THE CHANGING WORLD

Indian Society of International Law (ISIL) and Faculty of Legal Studies, The South Asian University (SAU), New Delhi jointly organized Seminar on "Human Rights in the Changing World" on 12 December 2011 at ISIL premises. The seminar was chaired by Prof. Upendra Baxi, Professor Emeritus, Faculty of Law, Delhi University, and Professor of Law in Development, Warwick University, UK. In the session, Prof. G. K. Chadha, President & CEO, SAU, New Delhi made opening remarks and welcomed the participants and distinguished panelists. Eminent Panelists Prof. Ved P. Nanda, Evan University Professor, Thompson G. Marsh Professor of Law, University of Denver, Colorado, Prof. Yogesh Tyagi, Dean, Faculty of Legal



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Studies, SAU, New Delhi, Prof. C. Raj Kumar, Vice Chancellor, O. P. Jindal Global University, Sonapat and Dean, Jindal Global Law School and Shri Rishi Gulati, Associate Lecturer, Faculty of Law and Fellow, Gilbert Tobin Centre of Public Law, University of New South Wales, Sydney, Australia spoke on various aspects of human rights. The seminar witnessed lively exchange of views from the audience on their presentations. In concluding remarks, Prof. Baxi mooted the idea to have India Human Rights Day and ensure this day to be observed and he added that Indian national institutions need to prepare for follow-up actions in the field of human rights. This idea was fully endorsed by all the panelists. Dr. V. G. Hegde, Treasurer, gave a formal vote of thanks.

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RWANDA: UN WAR CRIMES TRIBUNAL CONVICTS TWO FORMER GOVERNMENT MINISTERS

On 3 October 2011, two former government ministers in Rwanda have been convicted by a United Nations war crimes tribunal and each sentenced to 30 years in prison for their roles in the genocide that engulfed the small African nation in 1994. Justin Mugenzi, who served as commerce minister, and Prosper Mugiraneza, a former minister of civil service, were found guilty on Friday by the International Criminal Tribunal for Rwanda (ICTR) of conspiracy to commit genocide and direct and public incitement to commit genocide. But the ICTR, which is based in Arusha, Tanzania, acquitted two other former government ministers – Casimir Bizimungu and Jérôme-Clément Bicomumpaka – of similar charges and ordered their immediate release from jail. The four ministers were part of an interim government that ran Rwanda in the wake of the death of then president Juvenal Habyarimana on 6 April 1994, an event which led to the start of the genocide.

ELECTION OF NEW JUDGES TO ITLOS

On 3 October, 2011, Judge Shunji Yanai, a veteran Japanese jurist and diplomat has been elected President of the United Nations-backed International Tribunal for the Law of

the Sea (ITLOS), which adjudicates issues ranging from the uses of ocean resources and continental shelves to protection of the marine environment. Judge Shunji Yanai, who has been a member of the Hamburg-based tribunal since 2005, was elected to serve a three-year term, succeeding José Luis Jesus from Cape Verde. He remains eligible to be re-elected subsequently for another term.

The tribunal, composed of 21 independent members, elected Judge Albert J. Hoffmann of South Africa, also a member since 2005, as Vice-President. He has previously served in the South African foreign ministry and as legal adviser to his country's UN mission. Three new judges were also elected to nine-year terms on the tribunal. They are David Joseph Attard from Malta, Elsa Kelly from Argentina and Markiyana Z. Kulyk from Ukraine.

THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995 (STCW-F 1995) WILL COME INTO FORCE NEXT SEPTEMBER

The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995) adopted by the International Maritime Organisation (IMO) received its 15th ratification, by Palau, on 29 September, setting in motion the 12-month clock for its entry into force, with a regulatory framework for the training and certification of crews employed on board seagoing fishing vessels of 24 metres in length and above. The convention is expected to bring considerable benefits and advantages to the fishing industry, improving the quality of education and training provided to personnel employed in fishing vessels, and enhancing the standard of training and safety in the fishing industry and fishing vessel fleets. "The STCW-F Convention will contribute to the reduction of casualties, and will go a long way to improve the present poor safety record of the global fishing industry. The convention has now been ratified by Canada, Denmark, Iceland, Kiribati, Latvia, Mauritania, Morocco, Namibia, Norway, Palau, Russia, Sierra Leone, Spain, Syria and Ukraine.

CAPE VERDE RATIFIES TREATY SETTING UP INTERNATIONAL CRIMINAL COURT

On 13 October 2011, Cape Verde is the latest Member State to accede to the Rome Statute, the treaty that established the International Criminal Court (ICC) that prosecutes individuals for genocide, crimes against humanity and war crimes. The Statute will enter into force for Cape Verde on 1 January 2012, bringing the total number of States parties to 119.

UN COMPLETES FIRST REVIEW OF HUMAN RIGHTS RECORDS OF ALL MEMBER STATES

The Human Rights Council completed its first review of the records of every Member State on 13 October 2011, with Haiti being the last country to be considered in the process, which examined records of each State for the past four years. The process, called the universal periodic review (UPR), gives countries the opportunity to declare what actions they have taken to improve the human rights conditions in their countries and fulfil their obligations, and it is designed to ensure equal treatment for every country when their situations are assessed.

GUATEMALA, MOROCCO, PAKISTAN AND TOGO ELECTED TO SECURITY COUNCIL

Guatemala, Morocco, Pakistan and Togo will serve as non-permanent members of the 15-member Security Council in 2012-13 after winning their seats during elections held on 21 October 2011 at United Nations Headquarters in New York. But a fifth vacant seat, which is allocated to an Eastern European country, remains unfilled after no country passed the necessary threshold during nine rounds of voting. To win election, a country must receive a two-thirds majority of those countries present and voting, regardless of whether or not they are the only candidate in their region. Voting continues until the threshold is reached for the required number of seats. Guatemala received 191 votes and was duly elected to the Latin America and Caribbean seat. Morocco received 151 votes and Pakistan received 129 votes in the first round, which means

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they were elected to two of the three seats allocated to Africa and the Asia-Pacific. Morocco has served twice previously on the Council – in 1963-64 and again in 1992-93. Pakistan has served on six previous occasions, most recently in 2003-04. Togo (119 votes), Mauritania (98), Kyrgyzstan (55) and Fiji (one) did not receive enough votes in the first round, and during a second, restricted round of voting Togo again received 119 votes while Mauritania obtained 72. But in a third round of voting, Togo obtained 131 votes, above the two-thirds threshold, and was therefore elected. Mauritania received 61 votes. It will be the second time in its history that Togo has served on the Security Council, with the first stint taking place in 1982-83.

In the Eastern European category, after nine rounds of voting, no country had met the two-thirds majority threshold. On 24 October 2011, in the ninth round of balloting, Azerbaijan obtained 113 votes and Slovenia received 77 votes. The five new members will join Colombia, Germany, India, Portugal and South Africa, whose terms end on 31 December 2012.

SECRETARY-GENERAL PAYS TRIBUTE TO LATE RENOWNED JURIST ANTONIO CASSESE

Judge Antonio Cassese, a renowned legal expert who died, on 21 October 2011, “a giant of international law”. Judge Cassese, who also taught international law to generations of students around the world, passed away at his home in the Italian city of Florence at the age of 74.

He had a long and distinguished career, during which he assisted the UN in a number of capacities. He was the first President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the first President of the Special Tribunal for Lebanon. He stepped down from the latter post recently due to illness. Also, as independent expert he reviewed the judicial efficiency of the UN-backed Special Court for Sierra Leone (SCSL), and led the International Commission of Inquiry on Darfur.

TWENTY-ONE NEW MEMBERS JOIN UN ECONOMIC AND SOCIAL COUNCIL

Twenty-one countries were, on 24 October 2011, elected to serve on the Economic and Social Council (ECOSOC), one of the six principal organs of the United Nations and the main body tasked with furthering economic and social cooperation and development worldwide. In the General Assembly, on 24 October 2011, UN Member States elected 18 countries to serve three-year terms starting next year and three other nations through by-elections held as some countries were stepping down from the 54-member Council before the formal end of their terms. To join the Council, each country had to receive a two-thirds majority of Member States present and voting, regardless of whether or not they were the only candidate for a particular seat, which are allocated according to a geographical formula. Burkina Faso, Ethiopia, Lesotho, Nigeria and Libya were elected to the five African vacancies, while Indonesia, India and Japan won the three seats allotted to Asia-Pacific States. Belarus claimed the only Eastern European vacancy. In Latin America and the Caribbean, the Dominican Republic, El Salvador, Brazil and Cuba were victorious, while Spain, France, Germany, Ireland and Turkey were successful in the Western European and other States category. In the three by-elections, Switzerland replaced the outgoing Norway, the Netherlands succeeded Belgium, and Bulgaria took over from Hungary.

INTERNATIONAL LAW INCREASINGLY VITAL, SAYS HEAD OF ICJ

It is vital that international law underpin developments on the global stage, especially in an ever increasingly globalized and interconnected world, the head of the United Nations International Court of Justice (ICJ) said on 26 October 2011. “It is no exaggeration to say that all regions of the world have become closely intertwined,” Judge Hisashi Owada, President of the ICJ, the principal judicial organ of the UN, said as he reported to the General Assembly on the court's activities over the past year. “In this 21st century, international politics are undeniably interconnected; a truly global economy has emerged; and our natural environment and global climate change have created new challenges,” he noted. “In these times of unprecedented interconnection between States and peoples, it is my sincere

belief that a firm reliance on international law must underpin any and all future developments on the global stage.” Judge Owada noted the trust that the international community continues to place in the Court to handle a wide variety of legal disputes. Since last October, the Court has rendered four judgments and three orders on cases involving countries from all regions of the world and raising a broad range of legal questions, from border and maritime disputes to compensation for injury and racial discrimination. The Court's current docket stands at 15 cases, most of which are still at the stage of being in the hands of the parties who are presenting their written proceedings in advance of the oral hearings. The two most recent cases that have been filed concern a border dispute between Costa Rica and Nicaragua as well as the row between Cambodia and Thailand over the Preah Vihear temple.

UNESCO VOTES TO ADMIT PALESTINE AS FULL MEMBER

The United Nations Educational, Scientific and Cultural Organization (UNESCO), on 31 October 2011, voted to admit Palestine as a full member of the Paris-based agency. UNESCO's General Conference, the agency's highest ruling body, took the decision by a vote of 107 in favour to 14 against, with 52 abstentions, according to a news release. The move brings the total number of UNESCO member States to 195. For its membership to take effect, Palestine must sign and ratify UNESCO's constitution, which is open for signature in the archives of the Government of the United Kingdom in London.

UNESCO CONFERENCE ELECTS 31 NEW MEMBERS TO EXECUTIVE BOARD

Delegates attending the conference of the main governing body of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, on 2 November 2011, elected 31 new members to the agency's executive board. UNESCO's General Conference comprises the agency's Member States and is tasked with determining the agency's policies and main lines of work. The conference also elects the

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58-member Executive Board, which assumes the overall management of the agency. The ongoing 36th session of the General Conference elected board members to four-year terms on the basis of a geographical allocation. Austria, France, Spain, Italy, United Kingdom and Northern Ireland and United States were elected from the Western European and other countries grouping to join the executive board. Russia, Czech Republic, Montenegro and Former Yugoslav Republic of Macedonia were chosen from Eastern Europe. Brazil, Cuba, Ecuador and Mexico were elected from Latin America and the Caribbean, with the Republic of Korea, Thailand, Indonesia, Afghanistan, Pakistan and Papua New Guinea representing Asia. The African countries of Nigeria, Namibia, Ethiopia, Mali, Gabon, Malawi, Angola and Gambia are also joining the board, while the Middle East and North Africa will be represented by the United Arab Emirates, Tunisia and Saudi Arabia. The new members join others elected during the 2009 session of the General Conference and whose mandate will expire in 2013. The board meets twice a year.

UN MEMBER STATES ELECT JUDGES TO SERVE ON INTERNATIONAL COURT OF JUSTICE

The General Assembly and the Security Council, on 10 November 2011 elected four judges to serve on the International Court of Justice (ICJ), the principal judicial organ of the United Nations. After simultaneous rounds of voting in the Assembly and the Council, Italy's Giorgio Gaja, Japan's Hisashi Owada, Slovakia's Peter Tomka and China's Xue Hanqin were elected to nine-year terms on the ICJ starting on 5 February 2012. Voting then resumed in the Assembly and the Council to fill the final vacancy on the 15-member ICJ, which is also known as the World Court and is based in The Hague in the Netherlands. Successful candidates need to obtain an absolute majority in both the Assembly and the Council.

After several further rounds of balloting, Julia Sebutinde of Uganda had obtained a majority in the Assembly while Abdul G. Koroma obtained a majority in the Council, but neither obtained a majority in both. Voting was later

suspended to resume at a subsequent date. Mr. Owada, Mr. Tomka and Ms. Xue were already serving on the court, but their current terms expire in February. The other judges' terms in office expire in either 2015 or 2018.

MEMBER STATES VOTE TO REINSTATE LIBYA AS MEMBER OF UN HUMAN RIGHTS COUNCIL

United Nations Member States voted overwhelmingly, on 18 November 2011 to readmit Libya as a member of the UN Human Rights Council, eight months after the North African country was suspended for its then government's violent repression of a popular protest movement. In a ballot in the General Assembly, 123 countries voted in favour of the restoration of Libyan membership to the Council, four countries voted against, and six States abstained. The resolution adopted in the Assembly welcomed the recent commitments made by Libya to promote and protect human rights, democracy and the rule of law and to cooperate with relevant international human rights mechanisms.

APPLICATION OF THE INTERIM ACCORD OF 13 SEPTEMBER 1995 (THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA v. GREECE)

Before 1991, the Socialist Federal Republic of Yugoslavia comprised six constituent republics, including the "Socialist Republic of Macedonia". In the course of the break-up of Yugoslavia, the Assembly of the Socialist Republic of Macedonia adopted (on 25 January 1991) the "Declaration on the Sovereignty of the Socialist Republic of Macedonia", which asserted sovereignty and the right of self-determination. On 7 June 1991, the Assembly of the Socialist Republic of Macedonia enacted a constitutional amendment, changing the name "Socialist Republic of Macedonia" to the "Republic of Macedonia". The Assembly then adopted a declaration asserting the sovereignty and independence of the new State and sought international recognition. On 30 July 1992, the Applicant submitted an application for membership in the United Nations. The Respondent (Greece) stated on 25 January 1993 that it objected to the Applicant's admission on the basis of the Applicant's adoption of the name "Republic of Macedonia",

among other factors. The Respondent explained that its opposition was based *inter alia* on its view that the term "Macedonia" referred to a geographical region in south-east Europe that included an important part of the territory and population of the Respondent and of certain third States. The Respondent further indicated that once a settlement had been reached on these issues, it would no longer oppose the Applicant's admission to the United Nations. The Respondent had also expressed opposition on similar grounds to the Applicant's recognition by the member States of the European Community. On 7 April 1993, in accordance with Article 4, paragraph 2, of the Charter, the Security Council adopted resolution 817 (1993), concerning the "application for admission to the United Nations" of the Applicant. In that resolution, noting that "a difference has arisen over the name of the [Applicant], which needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly relations in the region", the Security Council:

"1. Urge[d] the parties to continue to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in order to arrive at a speedy settlement of their difference;

2. Recommend[ed] to the General Assembly that the State whose application is contained in document S/25147 be admitted to membership in the United Nations, this State being provisionally referred to for all purposes within the United Nations as 'the former Yugoslav Republic of Macedonia' pending settlement of the difference that has arisen over the name of the State;

3. Request[ed] the Secretary-General to report to the Council on the outcome of the initiative taken by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia."

On 8 April 1993, the Applicant was admitted to the United Nations, following the adoption by the General Assembly, on the recommendation of the Security Council, of resolution A/RES/47/225. On 18 June 1993, in light of the continuing absence of a settlement of the difference over the name, the Security Council adopted resolution 845 (1993) urging the Parties "to continue their

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efforts under the auspices of the Secretary-General to arrive at a speedy settlement of the remaining issues between them". While the Parties have engaged in negotiations to that end, these negotiations have not yet led to a mutually acceptable solution to the name issue. Following its admission to the United Nations, the Applicant became a member of various specialized agencies of the United Nations system. However, its efforts to join several other non-United Nations affiliated international institutions and organizations, of which the Respondent was already a member, were not successful. On 16 February 1994, the Respondent instituted trade-related restrictions against the Applicant. Against this backdrop, on 13 September 1995, the Parties signed the Interim Accord, providing for the establishment of diplomatic relations between them and addressing other related issues. The Interim Accord refers to the Applicant as "Party of the Second Part" and to the Respondent as "Party of the First Part", so as to avoid using any contentious name. Under its Article 5, the Parties "agree[d] to continue negotiations under the auspices of the Secretary-General of the United Nations pursuant to Security Council resolution 845 (1993) with a view to reaching agreement on the difference described in that resolution and in Security Council resolution 817 (1993)". In the Interim Accord, the Parties also addressed the admission of, and membership by, the Applicant in international organizations and institutions of which the Respondent was a member. In this regard, Article 11, paragraph 1, of the Interim Accord provides: "Upon entry into force of this Interim Accord, the Party of the First Part agrees not to object to the application by or the membership of the Party of the Second Part in international, multilateral and regional organizations and institutions of which the Party of the First Part is a member; however, the Party of the First Part reserves the right to object to any membership referred to above if and to the extent[2] the Party of the Second Part is to be referred to in such organization or institution differently than in paragraph 2 of United Nations Security Council resolution 817 (1993)." (United Nations Treaty Series (UNTS), Vol. 1891, p. 7; original English.) In the period following the adoption of the

Interim Accord, the Applicant was granted membership in a number of international organizations of which the Respondent was already a member. On the invitation of the North Atlantic Treaty Organization, the Applicant in 1995 joined the Organization's Partnership for Peace (a programme that promotes co-operation between NATO and partner countries) and, in 1999, the Organization's Membership Action Plan (which assists prospective NATO members). The Applicant's NATO candidacy was considered in a meeting of NATO member States in Bucharest (hereinafter the "Bucharest Summit") on 2 and 3 April 2008 but the Applicant was not invited to begin talks on accession to the Organization. The communiqué issued at the end of the Summit stated that an invitation would be extended to the Applicant "as soon as a mutually acceptable solution to the name issue has been reached".

In the French version of the Interim Accord published in the United Nations Treaty Series the expression "if and to the extent" has been rendered by the sole conjunction "si". For the purposes of this Judgment, the Court will however use, in the French text, the expression "si et dans la mesure où", which is a more literal translation of the original English version.

The Court recalls that, in its final submissions pertaining to the merits of the present case, the Applicant seeks two remedies which it regarded as constituting appropriate redress for claimed violations of the Interim Accord by the Respondent. First, the Applicant seeks relief in the form of a declaration of the Court that the Respondent has acted illegally, and secondly, it requests relief in the form of an order of the Court that the Respondent henceforth refrain from any action that violates its obligations under Article 11, paragraph 1, of the Interim Accord.

As elaborated above, the Court, on 5 December 2011, has found a violation by the Respondent of its obligation under Article 11, paragraph 1, of the Interim Accord. As to possible remedies for such a violation, the Court finds that a declaration that the Respondent violated its obligation not to object to the Applicant's admission to or membership in NATO is warranted. Moreover, the Court does not consider it necessary to order the Respondent, as the Applicant requests, to refrain from any future conduct that violates its

obligation under Article 11, paragraph 1, of the Interim Accord. As the Court previously explained, "[a]s a general rule, there is no reason to suppose that a State whose act or conduct has been declared wrongful by the Court will repeat that act or conduct in the future, since its good faith must be presumed" (Navigational and Related Rights (Costa Rica v. Nicaragua), Judgment, I.C.J. Reports 2009, p. 267, para. 150).

On 5 December 2011, the Court accordingly determines that its finding that the Respondent has violated its obligation to the Applicant under Article 11, paragraph 1, of the Interim Accord, constitutes appropriate satisfaction.

For these reasons, the Court (1) By fourteen votes to two, finds that it has jurisdiction to entertain the Application filed by the former Yugoslav Republic of Macedonia on 17 November 2008 and that this Application is admissible (In favour: President Owada; Vice-President Tomka; Judges Koroma, Simma, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov, Cañado Trindade, Yusuf, Greenwood, Donoghue; Judge ad hoc Vukas); Against: Judge Xue; Judge ad hoc Roucouas.

(2) By fifteen votes to one, finds that the Hellenic Republic, by objecting to the admission of the former Yugoslav Republic of Macedonia to NATO, has breached its obligation under Article 11, paragraph 1, of the Interim Accord of 13 September 1995 (In favour: President Owada; Vice-President Tomka; Judges Koroma, Simma, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov, Cañado Trindade, Yusuf, Greenwood, Xue, Donoghue; Judge ad hoc Vukas; Against: Judge ad hoc Roucouas;

(3) By fifteen votes to one, rejects all other submissions made by the former Yugoslav Republic of Macedonia. In favour: President Owada; Vice-President Tomka; Judges Koroma, Simma, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov, Cañado Trindade, Yusuf, Greenwood, Xue, Donoghue; Judge ad hoc Roucouas; Against: Judge ad hoc Vukas.

INDIA AND BANGLADESH SIGNED FRAMEWORK AGREEMENT

Prime Minister of India Dr. Manmohan Singh accompanied by External Affairs Minister

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(EAM), Chief Ministers of 4 States (Assam , Meghalaya, Tripura and Mizoram) neighbouring Bangladesh, and an official & media delegation visited Dhaka on September 6-7, 2011 at the invitation of PM Sheikh Hasina. Delegation-level talks were held between the two Prime Ministers and ten Agreements/ Protocols/MOUs including a Framework Agreement on Cooperation for Development and Protocol to the Agreement concerning demarcation of the Land Boundary between India and Bangladesh were signed. PM announced the commencement of unfettered 24-hour access across the Tin Bigha corridor to Dahagram and Angorpota enclaves as well as duty-free import of 46 textile items (subsequently expanded to all items, except 25) from Bangladesh with immediate effect.

WTO WELCOMES VANUATU AS A NEW MEMBER

The General Council today paved the way for Vanuatu's membership in the WTO by approving its accession package. Vanuatu would have to ratify the deal by 31 December 2011 and would become WTO's 154th member 30 days after the ratification. With Vanuatu the WTO receives a least-developed country into the family. Vanuatu applied for WTO membership in 1995 and the Working Party concluded the negotiations on 2 May 2011. Vanuatu's accession package contains the Working Party report outlining its reformed trade regime and its commitments as a WTO member, the market access schedules on goods and services, the General Council Decision and the Protocol of Accession.

THE EXPORT IMPORT BANK OF INDIA (AMENDMENT) BILL, 2011

The Union Cabinet approved the introduction of "The Export Import Bank of India (Amendment) Bill, 2011" to amend the Export – Import Bank Act, 1981 (the Act) in the Parliament. The Bill seeks to increase the authorised capital of the Exim Bank from Rs.2000 crore to Rs.10,000 crore with the provision that the Central Government may, further, by notification, increase the said capital up to an amount that it may deem necessary from time to time and also to make a provision for appointment of two-whole time Directors, other than the Chairman and

Managing Director (CMD), in the Bank by the Central Government. Increase in the authorised capital would enable the bank to take higher export credit exposures, enable it to borrow funds to disburse under export line of credits. Further by appointing two whole time directors, the management structure of the bank would be strengthened which in turn would enable the bank to achieve excellence in its area of operations, compete with international banks and export credit agencies in its endeavour to promote India's international trade and investment.

INDIA: "SPACE FOR CIVIL SOCIETY IS BEING CONTRACTED," WARNS UN EXPERT ON HUMAN RIGHTS DEFENDERS

From 10 to 21 January 2011, Margaret Sekaggya, a lawyer from Uganda, was appointed Special Rapporteur in March 2008 by the UN Human Rights Council, carried out a fact-finding mission to assess the situation of human rights defenders in India, and traveled to New Delhi, Bhubaneswar (Orissa), Kolkata (West Bengal), Guwahati (Assam), Ahmedabad (Gujarat), Jammu and Srinagar (Jammu and Kashmir).

The UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, expressed her concern for a contraction of the space for civil society in India, despite the country's "comprehensive and progressive legal framework as a guarantor of human rights and fundamental freedoms as well as the existence of the National Human Rights Commission as well as a number of state and statutory commissions mandated to promote and protect human rights."

"I am particularly concerned at the plight of human rights defenders working for the rights of marginalized people, i.e. Dalits, Adivasis (tribals), religious minorities and sexual minorities, who face particular risks and ostracism because of their activities," Ms. Sekaggya said at the end of her first fact-finding mission to the country.

Ms. Sekaggya underscored the testimonies she received about human rights defenders and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged and under surveillance because of their legitimate

work in upholding human rights and fundamental freedoms.

In her view, the existing national and state human rights commissions should do much more to ensure a safe and conducive environment for human rights defenders throughout the country. To that end, she urged the Government to review the functioning of the National Human Rights Commission with a view to strengthening it.

The independent expert also noted "the arbitrary application of security laws at the national and state levels, most notably the Public Safety Act and the Armed Forces Special Powers Act, the Jammu and Kashmir Public Safety Act and the Unlawful Activities Prevention Act, as these laws adversely affect the work of human rights defenders". She urged the Government to repeal the Armed Forces Special Powers Act as well as the Public Safety Act and review the application of other security laws which negatively impact on the situation of human rights defenders.

"I am deeply concerned about the branding and stigmatization of human rights defenders, labelled as 'naxalites (Maoists)', 'terrorists', 'militants', 'insurgents', or 'anti-nationalists'," Ms. Sekaggya said. Defenders, including journalists, who report on violations by State and non-State actors in areas affected by insurgency are being targeted by both sides.

"I urge the authorities to clearly instruct security forces to respect the work of human rights defenders, conduct prompt and impartial investigations on violations committed against human rights defenders and prosecute perpetrators". The human rights expert further recommended that the Government "enact a law on the protection of human rights defenders in full and meaningful consultation with civil society."

Ms. Sekaggya commended the Government for opening its doors to her mandate and for enabling her to visit five states, which assisted her in gaining a clear understanding of the local specificities in which human rights defenders work.

The Special Rapporteur will present her report to the United Nations Human Rights Council at a future session in 2012, and will make further recommendations for the consideration of the Government and other stakeholders.

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