



The Indian Society of International Law NEWSLETTER

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Editorial



The editorial attempts to present India's response during the period from January 2022 to June 2022 to Russia's 'special military operation' on 23 February 2022 against Ukraine. India consistently argued that dialogue is the only answer for settling differences and disputes between Russia and Ukraine. India has abstained from successive votes in the UN Security Council (UNSC) at two occasions, two at the UN General Assembly (UNGA) in New York, two at the United Nations Human Rights Council (UNHRC) in Geneva, and one at the International Atomic Energy Agency (IAEA) in Vienna.

On 25 February 2022, while India choosing to abstain, Indian representative in the UNSC on the Adoption of Resolution on the situation in Ukraine, stated that India is deeply disturbed by the recent turn of developments in Ukraine. India urged that all efforts are made for the immediate cessation of violence and hostilities. It is a matter of regret that the path of diplomacy was given up. We must return to it. India, again on 27 February 2022 abstained on a procedural resolution in the UNSC that

called for an emergency special session of UNGA to discuss the conflict in Ukraine.

India on 2 March 2022, abstained from voting on the resolution ES-11/1 passed by UNGA in its 11th Emergency Special Session demanding "immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders." The resolution was approved by 141 votes in favour, 35 abstentions and five votes against. Immediately after the decision of International Court of Justice (ICJ) on 16 March 2022 asking Russia to immediately suspend its military operations in Ukraine, the UNGA emergency session continued from 23 March 2022 and two more competing resolutions were introduced. One UNGA resolution (A/ES-11/L.2) by Ukraine and its western allies on the 'Humanitarian consequences of the aggression against Ukraine' demanding an immediate cessation of the hostilities by Russia against Ukraine. The other rival resolution (A/ES-11/L.3) on 24 March 2022 proposed by South Africa 'Humanitarian situation emanating out of the conflict in Ukraine' makes no mention of Russia. The first resolution was adopted with support from 140 countries votes in favour and five against, with 38 countries including India abstaining and the second was not put to vote because it did not have sufficient support.

On 28 February 2022 India abstained from vote in UNHRC to hold urgent debate on Ukraine that will also consider a resolution for a probe into alleged human rights violations. Soon after, opening the investigation on 28 February 2022 from the prosecutor of the International Criminal Court (ICC) for war crimes and crimes against humanity, the UNHRC in Geneva on 4 March 2022, decided to set up an international commission of enquiry into Russia's actions in Ukraine. India abstained on a vote and did not speak after the vote, but Permanent Representative of India (PRI) to the UN in Geneva while addressing the Council's "urgent debate" on the human rights situation prior to the vote on 3 March 2022, stated "We call for respect and protection of human rights of people in Ukraine and safe humanitarian access to conflict zones. India was deeply concerned about the safety and security of Indian nationals stranded in Ukraine". While explaining India's neutrality in the Russia-Ukraine war, India Prime Minister Narendra Modi on 10 March 2022, at the BJP Headquarters celebrating party win in provincial elections, said that India has links with both nations and appeals for peace and constant dialogue. In an explanation on vote-UNGA on Ukraine on 24 March 2022, Indian representative emphasized on cessation of hostilities and on urgent humanitarian assistance. On 7 April 2022, the UNGA reconvened its emergency session and adopted a resolution ES-11/3 voted with 93 nations voting in favour and 24 against and 58 abstained including India from the process calling for Russia to be suspended from the UNHRC. India while maintaining its stand on Ukraine situation, has abstained from voting on 12 May 2022 in UNHRC on a resolution condemning the deteriorating human rights situation in Ukraine amid Russia's invasion. India on 3 March 2022 abstained from voting at IAEA Board of Governors upon the resolution that "deplored" Russia's military operations in Ukraine and urged it to let Ukraine control all its nuclear facilities.

Pravin H. Parekh

RECENT ACTIVITIES

Webinar on Vulnerability Protection: Covid Pandemic and Climate Change

The ISIL organised a webinar on “Vulnerability Protection: Covid Pandemic and Climate Change” by Prof. Katak Malla Fellow at the Stockholm Centre for International Law and Justice, Stockholm University, & Guest Professor at Karlstad University, Sweden on 16th October 2020. Prof. Bharat H. Desai, Jawaharlal Nehru Chair in International Environmental Law & Professor of International Law at the Centre for International Legal Studies in Jawaharlal Nehru University, New Delhi moderated the talk.

49th Annual Conference of ISIL

The ISIL conducted its 49th Annual Conference virtually on the Theme “International Law, Pandemic: Issues and Challenges” on 19-20 December 2020. Delegates comprising law faculty members, researchers, students and lawyers from different parts of the country participated in the conference. Hon'ble Mr. Justice Sanjay Kishan Kaul, Judge, Supreme Court of India inaugurated the conference and highlighted the importance of identified themes of the Conference. Shri Sanjay Parikh, EC Member, ISIL welcomed the Chief Guest and participants. Prof.(Dr.) Manoj Kumar Sinha, Vice President, ISIL briefly outlined the scheme of the Conference. Shi Pravin H. Parekh, President, ISIL also addressed the participants. Prof. Monica Chawla, EC Member ISIL presented formal vote of thanks.

Six sessions alongwith one parallel session was organised to discuss identified themes. The first session held on 19 December 2020 on *Pandemics: United Nations, Health Emergencies and State Responsibility* was chaired by Prof. J.L. Kaul, EC Member ISIL and co-chaired by Prof. Burra Srinivas, EC Member ISIL. Following eminent speakers presented papers in the conference: Dr. M. Gandhi, Prof & Dean, VIT School of Law, Chennai, Dr. Pankaj Choudhary, Asst. Professor, Campus Law Centre, DU & Kunal Saini, LLM Candidate, IHEID Geneva, Mr. Atul Alexander, Asst. Professor of Law & Vishakha Singh Deshwal, Dr. Priya A Sondhi, Associate Professor, Bennett University,

Capt. J.S. Gill, Dr. Anwar Sadat, Assistant Prof. (Senior), ISIL. Second session was held on *Pandemics: International Aviation Law and ICAO* and chaired by Prof. TSN Sastry, Vice President, ISIL and co-chaired by Major General Nilendra Kumar, EC Member, ISIL, keynote address was given by Shri Amber Dubey, Joint Secretary, Ministry of Civil Aviation. Eminent panelists namely Prof. Chakka Benarji, EC Member, ISIL, Dr. Aaisha Sharfi, Associate Prof., Alliance University, Bangalore, Ms. Anita Singh, Asst. Professor of Law, School of Law, Bennett University and Ms. Ch. Amrita Gulshan, Asst. Professor of Law, VIT-AP School of Law, VIT- AP University (VSL), presented their papers in the session. The Third Session held on the theme *Pandemics: International Humanitarian Law and Human Rights Law* was chaired by Professor Manoj Kumar Sinha, Vice President ISIL and co-chaired by Prof. Sridhar Patnaik, Treasurer, ISIL. Maj Gen Nilendra Kumar, Dr. Anirudha Choudhury & Mr. Prateek Mishra Asst. Professors, KIIT School of Law, Bhubaneswar, M. K. Rao, Secretary General, ISIL, presented their papers. A parallel session for the students was organized on the theme *International Law, Pandemics: Issues and Challenges*. This session was chaired by Prof. G. G. Hegde, EC Member, ISIL and co-chaired by Prof. Anupam Jha, EC Member, ISIL. Smiriti Kumari & Payal Priya, Legal Associates, Lex Consilium Foundation, Noida, Salil Kumar Tripathy & Garima, Ankit Malhotra, Samarth Narayanan, Krithikaa Suresh & N. Md. Akbar Ali Baig, Jamshed Ahmad Siddiqui presented their papers.

The Fourth session was held on 20 December 2020 on the theme *Impact of Pandemics on International Trade Law, IPRs And Investment Law*. The session was chaired by Prof. V.G. Hegde, EC Member, ISIL and co-chaired by Shri M.K. Rao, Secretary General, ISIL. Special address was delivered by Shri A.K. Ganguli, Executive President, ISIL Eminent panelists namely Prof James Nedumpara, Centre for International Trade and Investment Law, Prof.(Dr.) Sandeepa Bhat B, Professor of Law, The WB National University of Juridical Sciences, Shri George Pothan, Legal Consultant, Ministry of External Affairs, Shri

Shravan Yammanur, Advocate and Counsel at P&A Law Offices, Ms. Parineet Kaur, Assistant Prof., ISIL, presented their papers. Fifth theme, *The Increase of Cases of Domestic Violence During Pandemics and the National and International legal Framework* was chaired by Shri Sanjay Parikh, EC Member, ISIL and co-chaired by Prof. Monica Chawla, EC Member, ISIL. Speakers namely Prof. S. Sumitra, Principal, Dr. B.R. Ambedkar College of Law, Andhra University, Shri Karan Kataria, CEO and Head International Operation and Planning Pukaar Foundation & Ms. Dipshikha Kumari (Student), Dr. Indirani, K.S. Asst. Professor of Law, Bishop Cotton Women's Law College, Bangalore, Ms. Mahathi M., Asst. Professor of Law, VIT-AP School of Law (VSL), VIT-AP University, Vijayawada and Dr. Megh Raj, Asst. Professor made presentations.

The sixth and last session was on the theme *Teaching and Research During Pandemics: Issues and Challenges*. The session was chaired by Prof. Y.S.R. Murthy, Vice President, ISIL and co-chaired by Shri C.K. Chaturvedi, EC Member, ISIL. Prof. R. Venkata Rao, Chairperson, VIPS and Former VC of NLSIU, Bengaluru, Prof.(Dr.) V. Rajyalakshmi, Honorary Prof. (Law), Andhra University, Prof.(Dr.) Balakrishnan. K. Associate Professor, NUALS, Cochi, Dr. Anita Yadav, Asst. Professor, Campus Law Centre, University of Delhi, Dr. Vikesh Ram Tripathi, Asst. Professor, Faculty of Law, LC1, University of Delhi, presented their papers. Finally, Shri Pravin H. Parekh, President, ISIL, Shri A.K. Ganguli, Executive President, ISIL, Prof. Sridhar Patnaik, Treasurer, ISIL, Prof. V. G. Hegde, EC Member, Prof. S. K. Verma, Editor-in-Chief, IJIL and Shri M.K. Rao, Secretary General, ISIL delivered address in the Valedictory session. The Annual Conference concluded with General Body Meeting held at 3:30 pm on 20 December 2020.

Tenth Winter Course on Air and Space Law

Tenth Winter Course was conducted online on the topic “Air and Space Law” from 22-26 Feb 2021. The course begun with the Inaugural lecture by Dr A Sudhakar Reddy, Joint Secretary and Former Legal Advisor, Ministry of External Affairs, Government of

India. Many eminent speakers namely Prof. Ram Jakhu, Prof. Stephan Hob, Dr. Artem Bondarenko, Dr. Martha Kaiser, Elina Morozova, Dr G.S Sachdeva, Dr Balakista Reddy, Prof. V.G Hegde and Prof. Benarji Chakka delivered lectures in the Course. Two panel discussions were held in the course.

Public Lecture on The Importance of the Paris Agreement: 5 Years On

Webinar on "The Importance of the Paris Agreement: 5 Years On" by Prof. Dr Christina Voigt, Professor of International Law, University of Oslo was held on 4th March 2021. Shri Sanjay Parikh, EC Member of ISIL moderated the talk.

Webinar on Human Rights as the New Frontier in Legal Practice and Dispute Resolution-Trends towards Accountability and Strategic Implications

The ISIL organised webinar on 9th March 2021 on the topic "Human Rights as the New Frontier in Legal Practice and Dispute Resolution - Trends towards Accountability and Strategic Implications" by Ms. Cherie Blair, CBE, QC, Founder & Chair, Omnia Strategy and Chancellor of the Cherie Blair Foundation for Women and Mr. Adam Smith-Anthony, Partner & Head Human Rights, Omnia Strategy. The talk was moderated by Prof. Manoj Kumar Sinha, Vice President, ISIL & Director, Indian Law Institute.

19th Summer Course of ISIL

ISIL organised its 19th Summer Course on International Law from 14-25 June 2020. The course was Inaugurated by Dr P.S Rao, Special Advisor, Attorney-General Office, Qatar. Shri Pravin H. Parekh gave the presidential address and welcome address was delivered by Prof. D.N. Jauhar, EC Member, ISIL. The course was attended by 101 participants from all over the country. As the course was online, lectures were delivered by renowned resource persons both from India and abroad to name a few Dr. P. S. Rao, Former Member, International Law Commission Dr A. S. Reddy, Joint Secretary (Retd.), L&T, MEA, Prof. S. K. Verma, Delhi University, Prof. C. S. R. Murthy, CIPOD, JNU, Dr. Nilufer Oral, Member, International



Law Commission, Dr Pierfrancesco Rossi, Luiss University, Italy, Murat Sumer, International Maritime Law Institute, Malta, Prof. Raj Bhala, the University of Kansas School. A panel discussion was held in the last session on the topic 'Palestine, Qatar and Ukraine: Exploring Remedies under International Law with the panelists Prof. Dr Geir Ulfstein, Department of Public International Law, University of Oslo; Dr David Kean, Associate Professor, Dublin City University, Dr Alexandra Hofer, Assistant Professor, Utrecht University, Dr Priya Pillai, International Lawyer and Dr Kanika Sharma, Assistant Professor, ISIL.

Convocation and Inauguration of the P.G. Diploma Courses

The ISIL organized the Convocation jointly for the two academic sessions (2019-2020) &



(2020-2021) for awarding the PG Diploma Courses on 22 September 2021. The ceremony was also marked to inaugurate the Post Graduate Diploma Courses for the academic session 2021-2022 conducted by the *Indian Academy of International Law and Diplomacy*, a teaching wing of the Indian Society of International Law. The Chief Guest Hon'ble Justice P. S. Narasimha, Judge, Supreme Court of India delivered the inaugural and convocation address on the occasion. Shri Pravin Parekh, President, ISIL, Shri M.K Rao, Secretary General, ISIL, Prof. DN Jauhar, EC Member, ISIL, Prof. YSR Murthy, Vice President, ISIL also addressed the students. The programme was

conducted in hybrid mode and was telecasted live on Facebook and you tube. For the session 2019-2020, Ms. Meher Malik received V. K. Krishna Menon Memorial Gold Medal for securing highest marks in Post Graduate Diploma Course in International Law & Diplomacy; Ms. Priyanka Dhar received K. Krishna Rao Memorial Gold Medal for securing highest marks in Post Graduate Diploma Course in International Trade and Business Law; Mr. Karanjit Singh received Judge Nagendra Singh Memorial Gold Medal for securing highest marks in Post Graduate Diploma Course in Human Rights International Humanitarian & Refugee Laws and also received Justice Rajinder Sachar Memorial Award Post Graduate Diploma Course in Human Rights, International Humanitarian & Refugee Laws; Mr. Surya Pratap Singh received M. K. Nawaz Memorial Gold Medal in Post Graduate Diploma Course in Intellectual Property Rights Law and Ms. Sucheta received Merit Certificate for securing highest marks in Post Graduate Diploma Course in International Environmental Law.

For the academic session 2020-2021, Mr. Pranav Bhaskar Tiwari received V. K. Krishna Menon Memorial Gold Medal for securing highest marks in Post Graduate Diploma Course in International Law & Diplomacy; Ms. Sudeshna Prakash and Mr. Surya Pratap jointly received K. Krishna Rao Memorial Gold Medal for securing highest marks in Post Graduate Diploma Course in International Trade and Business Law; Ms. Padmaja Menon received Judge Nagendra Singh Memorial Gold Medal for securing highest marks in Post Graduate Diploma Course in Human Rights International Humanitarian & Refugee Laws; received Justice Rajinder Sachar Memorial Award

RECENT ACTIVITIES

Post Graduate Diploma Course in Human Rights, International Humanitarian & Refugee Laws and also Mr. Suraj Singh Gautam received M. K. Nawaz Memorial Gold Medal in Post Graduate Diploma Course in Intellectual Property Rights Law and Ms. Anju Anna John received Merit Certificate for securing highest marks in Post Graduate Diploma Course International Environmental Law.

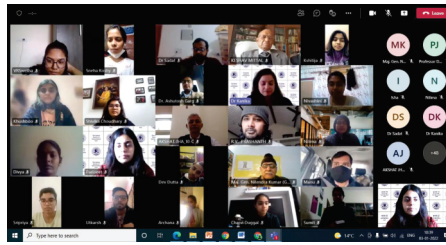
20th Henry Dunant Memorial Moot Court Competition (National Round) 2021

20th Henry Dunant Memorial Moot Court Competition was held in hybrid mode from 21-24 October 2021. 11 teams participated in the competition. The competition was conducted in three stages, quarter-final, semi-final and the 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. Lloyd Law College, Greater Noida, (team members: Awantika, Meghana Kasarla and Harsh Saraiwala) and Government Law College, Ernakulam (team members: Afeef, Najad. P and Nandini Praveen) were the winner and runner up of the competition respectively. Sidhant Kapoor, O.P Jindal Global Law School, O.P Jindal University, Sonapat was adjudged the Best Advocate. Jessica Franklin, Bishop Cotton Women's Christian Law College, Bangalore won the Best Researcher award and Lloyd Law College, Greater Noida won the Best Memorial award in this competition. Hon'ble Justice Alexander Thomas, Judge, Kerala High Court delivered the Valedictory address on the occasion. Prof. Dr. Michael Bothe, Professor of Public Law, Joham Wolfgang Goeth, Universitat Ffranfurt, Dr. Umesh Kadam, Former Regional Legal Advisor, ICRC judged the final round of the competition.

Winter Course on Law of International Institutions

The ISIL organised online Eleventh Winter Course on Law of International Institutions

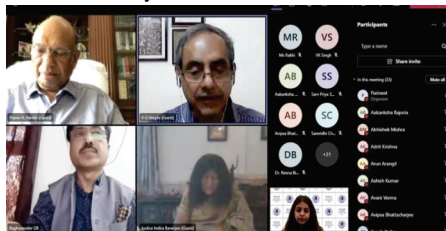
from 3rd January-7th January 2022. The course was inaugurated with welcome



speech by the Sh. Pravin H. Parekh, President of ISIL followed by the address by Maj General Nilendra Kumar, Executive President ISIL and formal vote of thanks by Prof. Anupam Jha, Treasurer ISIL. Approximately 65 participants from all over the country attended the course and the lectures were delivered by renowned professors from India and abroad. Panel discussion was held on the topic 'United Nations Reforms' with the panelists Amb. Asoke Kumar Mukerji, Former Ambassador and Permanent Representative of India to UN, Mr Peter Quale, International Organisations Lawyer and Dr Shikhar Ranjan, EC Member, ISIL. Five days winter course was concluded first with address by Prof. Dr Manoj Kumar Sinha followed by address by Prof. D.N Jauhar, EC Member, ISIL. The valedictory address was delivered by Dr B. G. Ramcharan, Former Deputy High Commissioner for Human Rights and Assistant General of United Nations. Vote of thanks was proposed by Prof. Dr Manoj Kumar Sinha.

Two Days Workshop on Entertainment Law: International and National Perspectives

The Two Day Workshop on Entertainment Laws: International and National Perspectives was conducted online by the Indian Society of International Law from 19-



20th March 2022. The workshop comprised of 69 participants including students, academicians and professionals. In the

inaugural session, Prof. VG Hegde, EC Member, ISIL gave the introductory address focusing on the relevance of entertainment law and also stated the laurels of Hon'ble Justice Indira Banerjee. Hon'ble Justice Indira Banerjee, Judge Supreme Court of India was the Chief Guest of the workshop and presented an exemplary Inaugural address concentrating on the advent of digital technology and its effect on the entertainment business. Mr. GR Raghavender, Joint Secretary, Ministry of Law and Justice, GOI, as a special address highlighting the working of the entertainment industry and implementation of laws governing the entertainment sector. This was followed by the Presidential Address of Shri Pravin H Parekh, President, ISIL. The inaugural session was concluded with a vote of thanks from Prof. Manoj Kumar Sinha, Vice President ISIL and Director, Indian Law Institute. Prominent entertainment law experts like Mr Nul Mason, Ms Manojna Yeluri, Mr Rahul Ajatsharu, Mr Nischal Anand, Ms Sandhya Surendran, Ms Tanvi Misra delivered lectures. The Valedictory Session started with the address of Prof. D. N. Jauhar, EC Member followed by the addresses of Mr Pravin Anand, Managing Partner, Anand & Anand and Mr. Vinayak Azad, IRS, Commission GST. Mr. Shikhar Ranjan delivered the vote of thanks.

Webinar on Russian and Ukraine Engagement on International Law

A webinar on Russian and Ukraine Engagement on International Law was organised by Prof. Ben Saul, Challis Chair of International Law at the University of Sydney and an Associate Fellow of Chatham House (The Royal Institute of International Affairs) in London on 26th March 2022. Prof. Dr M. Gandhi delivered the opening remarks and moderate the webinar. Sh. Pravin H. Parekh, President, ISIL, delivered the presidential address and formal vote of thanks was presented by Dr Shikhar Ranjan, Acting Secretary General, ISIL.

Webinar on International Corporations and Responsibility for Damages in Host Jurisdictions

Webinar on International Corporations and Responsibility for Damages in Host



Jurisdictions by Prof. Joel Slawotsky, Professor in IDC Law, Reichman University, Herzliya, Israel was held on Friday, 29 April 2022.

18th V. K. Krishna Menon Memorial Lecture by Hon'ble Justice U. U. Lalit, Judge, The Supreme Court of India

ISIL organised 18th V. K. Krishna Menon Memorial Lecture on 19th May 2022. It was inaugurated by Hon'ble Justice U. U. Lalit, Judge, Supreme Court of India. Shri Pravin H. Parekh, President, ISIL gave the presidential address and Dr G.V Rao, Vice President, ISIL delivered the welcome address. Formal vote of thanks was given by Dr Shikahr Ranjan, Secretary General, ISIL. Hon'ble Justice U.U. Lalit spoke about Krishna Menon as Lawyer, Diplomat and Public Servant. He mentioned that Krishna Menon was the first person who thought of drafting Preamble of the Constitution of India in 1946-1947. He focussed upon three famous SC judgements wherein Krishna Menon represented as lawyer. First, 9 Judge Bench *State Trading Corporation of India Ltd. v. The Commercial Tax Officer*, in which Mr Menon rightly pointed out that ships and aircrafts also possess nationality in International Law but it cannot be claimed that they possess citizenship in Municipal



Law. Second, *Naresh Shridhar Mirajkar andrs v. State of Maharashtra* and Anr and third case he mentioned was 3 Judge Bench *EMS Namboodripad v. T. Narayan Nambiar*.

20th Summer Course on International Law



20th Summer Course on International Law was conducted from 6-17 June 2022. 77 participants from all over India including students, practitioners, academicians participated. The course was intended to update the knowledge of international law among students. The course was inaugurated by Hon'ble Ms Justice Indira Banerjee, Judge Supreme Court of India on 6th June 2022. Dr Shikhar Ranjan, Secretary General, ISIL gave welcome address and highlighted the importance of international law and also the summer course to the participants. Shri Pravin H. Parekh delivered the presidential address. A panel discussion was held on the topic 'Ukraine and Russia Conflict: International Law' with panelists Prof. Bharat Desai, JNU, Prof. Chintamani Mahapatra, JNU and Sh. MK Rao, former Secretary General, ISIL. Prof. Dr Manoj Kumar Sinha gave the valedictory address

and Prof. Rashmi Salpekar gave the formal vote of thanks, followed by distribution of certificates to the participants. The course witnessed lively discussion among the participants.

RECENT DEVELOPMENTS

JUDGMENT ON ARMED ACTIVITIES IN THE TERRITORY OF THE CONGO (DEMOCRATIC REPUBLIC OF CONGO V. UGANDA)

On 9 February 2022, the International Court of Justice issued its Reparations Judgment in *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, awarding the Democratic Republic of the Congo (DRC) the global sum of US\$330 Million as total compensation for damage caused by Uganda for violations of the international human rights law, international humanitarian law, and international law as declared in the Court's 19 December 2005 Judgment. The global sum that the ICJ awarded was just around 3% of the amount claimed by DRC against Uganda.

To recall, the DRC had requested the Court in May 2015 to reopen proceedings to determine the question of reparations, due to the failure of Court-ordered negotiations with Uganda. [2022 Reparations

RECENT DEVELOPMENTS

Judgment, para. 11]. For the damage resulting from the violations of international law found by the Court in 19 December 2005 Judgment on the Merits, the DRC claimed compensation from Uganda in a total amount over eleven billion US dollars (US\$ 11,347,958,354), broken down into compensation claims for personal injury (US\$4,350,421,800), damage to property (US\$239,971,970), damage to natural resources (US\$1,043,563,809), and macroeconomic damage (US\$5,714,000,775). The DRC also sought compensatory interest (4% rate payable from the date of filing of the Memorial on reparation) for heads of claim other than those for which the Court would award compensation, the sum of US\$25 million to create a fund that would promote reconciliation between the Hema and Lendu in Ituri, and the sum of US\$100 million for non-material harm suffered by the DRC. The DRC further prayed that Uganda give satisfaction by conducting criminal investigations and prosecutions of the individuals involved in international law violations committed in Congolese territory between 1998 and 2003 for which Uganda has been found responsible. In the event Uganda were not to pay any amount awarded by the Court, the DRC asked for moratory interest at 6%. The DRC also asked for reimbursement for all costs incurred in the litigation. The DRC named the sum of US\$982,797.73 as sufficient reparation on Uganda's counter-claim for the injury resulting from the invasion, seizure and long-term occupation of Uganda's Chancery compound in Kinshasa, which amount should be offset from the reparation owed to the DRC. In response, Uganda argued that the DRC is only entitled to reparation in the form of compensation only upon proof of exact injury suffered resulting from specific actions of Uganda, and that the finding of Uganda's international 2005 Judgment on

the Merits itself already constituted an appropriate form of satisfaction.

ICJ ORDERS RUSSIA TO IMMEDIATELY SUSPEND OPERATION IN UKRAINE

On March 16, 2022, the International Court of Justice delivered its order on Ukraine's request for the indication of provisional measures in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russia)*. Ukraine made a number of requests, including that the Court declare that no acts of genocide have been committed in the Luhansk and Donetsk oblasts of Ukraine, contrary to the claims made by the Russian Federation. With regard to the question whether the Court had jurisdiction to indicate provisional measures, it first considered whether there was, in fact, a dispute relating to the interpretation, application, or fulfilment of the Genocide Convention. In so doing, the Court referred to numerous statements made by Russia since 2014 alleging genocide in the Luhansk and Donetsk regions and Ukraine's response denying the allegations. Taking those statements into consideration along with the subject matter of the statements, the Court concluded that "the evidence in the case file demonstrates prima facie that statements made by the Parties referred to the subject-matter of the Genocide Convention in a sufficiently clear way to allow Ukraine to invoke the compromissory clause in this instrument as a basis for the Court's jurisdiction" (para 44).

Next, the Court examined whether the rights asserted by Ukraine are "at least plausible" so as to empower the Court to exercise its power to indicate provisional measures, and whether "a link [exists] between the rights whose protection is sought and the provisional measures being

requested" (para 51). In that regard, Ukraine argued that the measures it seeks were aimed at protecting its rights "not to be subject to a false claim of genocide" and "not to be subjected to another State's military operations on its territory based on a brazen abuse of Article I of the Genocide Convention." It also argued that "it has a right to demand good faith performance of obligations under the Genocide Convention by the Russian Federation" and a right "not to be harmed by the Russian Federation's misuse and abuse of the Convention." The Court stated that at this stage of the proceedings it "is not in possession of evidence substantiating the allegation of the Russian Federation that genocide has been committed on Ukrainian territory" and that "it is doubtful that the Convention, in light of its object and purpose, authorizes a Contracting Party's unilateral use of force in the territory of another State for the purpose of preventing or punishing an alleged genocide" (para 59). Thus, the Court concluded that "Ukraine has a plausible right not to be subjected to military operations" by Russia on the basis of alleged genocide in Ukraine. It then went on to find the existence of a link between the rights claimed and the measures requested. Finally, the Court considered whether there is a "real and imminent risk that irreparable prejudice will be caused to the rights claimed before the Court gives its final decision." The Court noted that Russia's military operation has already caused "numerous civilian deaths and injuries," "significant material damage, including the destruction of buildings and infrastructure," and that "attacks are ongoing," as well as the March 2 resolution of the UN General Assembly expressing "grave concern" over attacks on the civilian population. It concluded that "disregard of the right deemed plausible by the Court . . . could cause irreparable prejudice to this right and

that there is urgency, in the sense that there is a real and imminent risk that such prejudice will be caused before the Court makes a final decision in the case" (para 77). Thus, the Court indicated the following provisional measures: Russia must immediately suspend its military operations in Ukraine (thirteen votes to two); any military, irregular armed units, organizations, and persons under Russia's control or direction "take no steps in furtherance of" such military operations (thirteen votes to two) and both Russia and Ukraine must not take any action that could "aggravate or extend the dispute before the Court or make it more difficult to resolve" (unanimous).

INTERNATIONAL COURT OF JUSTICE DELIVERED JUDGMENT IN TERRITORIAL AND MARITIME DISPUTE NICARAGUA V. COLUMBIA ON 21ST APRIL 2022

The International Court of Justice in the judgement in the case *Nicaragua v. Colombia* ordered Colombia to "immediately cease" patrolling and interfering with fishing in parts of the Caribbean within Nicaragua's exclusive economic zone. The ICJ "finds that by interfering with fishing and marine research activities of Nicaraguan-flagged vessels ... in Nicaragua's exclusive economic zone ... Colombia has violated Nicaragua's sovereign rights and jurisdiction." The court ruled by nine votes to six that Colombia should be ordered to stop this conduct. The judges also ordered Colombia to change a 2013 presidential decree that established a zone around Colombian islands in the disputed area. The court said that the zone as defined by the decree was too large and the powers Colombia claims to have in the document were not in accordance with customary international law.

INDIA- AUSTRALIA SIGN BILATERAL TREATY

On April 2, 2022, India and Australia signed "The India-Australia Economic Cooperation and Trade Agreement" (IndAus ECTA) which eliminated tariffs on over 85 percent of Australian good exports to India. The Indian and Australian Ministers also expressed their views on the growing strength of the relationship between the two countries before signing of the agreement. Calling it a "watershed moment for our bilateral relations . . . the Prime Minister said that signing of IndAus ECTA in such a short span of time reflect[ed] the depth of the mutual confidence between the two countries."

UN GENERAL ASSEMBLY VOTES TO SUSPEND RUSSIA FROM UN HUMAN RIGHTS COUNCIL (UNHRC)

The UN General Assembly (UNGA) on 7th April 2022 in its Eleventh Emergency Special Session took the extraordinary step of adopting a resolution that suspended the Russian Federation's membership in the UNHRC in the wake of recently revealed images and testimonials of atrocities perpetrated against the civilian population of Ukraine. UNGA adopted the draft resolution by recorded vote of 93 in favour to 24 against, with 58 abstentions. Speaking after the adoption of the resolution, Deputy Permanent Representative of Russia Kuzmin, suddenly stated that Russia had already decided to leave the Council before the end of its term. He claimed the Council was monopolized by a group of States who use it for their short-term aims. "These States for many years have directly been involved in blatant and massive violations of human rights, or abetted those violations," he said, speaking through an interpreter. "In spite of their membership as members of the Council, they are not ready to sacrifice their

short-term political and economic interests in favour of true cooperation and stabilizing the human rights situation in certain countries." On the other hand, EU commends this 'rare decision'. Ambassador Olaf Skoog, head of the EU delegation said that "the rare decision taken by this Assembly sends a strong signal of accountability and hopefully will help preventing and discouraging more violations of human rights."

GENERAL ASSEMBLY ADOPTED LANDMARK RESOLUTION AT HOLDING FIVE PERMANENT SECURITY COUNCIL MEMBERS ACCOUNTABLE FOR USE OF VETO

UN General Assembly adopted Resolution 12417 dated 26 April 2022 aimed at holding five Permanent Security Council Members accountable for their use of veto amid growing criticism of inaction by the Security Council on the war in Ukraine. The resolution comes in the wake of Russia's use of the veto in the Council, the day after it invaded Ukraine, calling for its unconditional withdrawal from the country. The landmark resolution was co-sponsored by 83 countries establishing a standing mandate for a GA debate whenever a veto is cast in the Security Council. The resolution, whose approval was greeted by applause, provides a mechanism by which, within ten days of the use of the veto by one of the five Permanent Member, a meeting of the Assembly is automatically convened and the state in question should account for its action by explaining to the membership what its reasons were for the move. Of the 'P5' the United States, the UK and France co-sponsored the text. Among the co-sponsors were also Germany and Japan, two countries fighting for years to gain a permanent seat in the Council, but not India and Brazil. While the resolution was adopted without a recorded vote, several

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delegations said they were abstaining, and at least one, Belarus, said it was disassociating itself with the outcome.

UN HUMAN RIGHTS COUNCIL ADOPTED RESOLUTION ON THE DETERIORATING HUMAN RIGHTS SITUATION IN UKRAINE

The UN Human Rights Council on 12th May 2022 passed a Resolution (A/HRC/S-34/L.1) to begin an investigation into whether war crimes have been committed by Russia in Ukraine. The resolution was adopted by a vote of 33 in favour, two against, and 12 abstentions. The Council reiterated its demand that hostilities be ceased and asked that the Independent International Commission of Inquiry begin an investigation into events taking place in late February and March in several regions in Ukraine. The resolution also implores Russia to give international human rights and humanitarian institutions "unrestricted and safe access to persons who had been transferred from conflict-affected areas of Ukraine and were held on the territory of the Russian Federation or areas controlled or occupied by the Russian Federation."

WTO AGREES IP WAIVER FOR COVID-19 VACCINE

At the twelfth session of the WTO Ministerial Conference held in Geneva on 17 June 2022 the Ministerial Conference agreed on an intellectual property waiver for COVID-19 vaccines that will allow member countries to produce and distribute vaccines "without the consent of the right holder to the extent necessary to address the COVID-19 pandemic." States may "authorize the use of the subject matter of a patent under Article 31 [of TRIPS] without the right holder's consent through any instrument available in the law of the Member such as executive orders,

emergency decrees, government use authorizations, and judicial or administrative orders." The waiver is valid for five years, but can be extended by the General Council. It will be reviewed annually. According to JURIST, the waiver has been criticized by some for failing to also cover treatments for the virus.

SUPREME COURT OF INDIA ON 8TH APRIL 2022 UPHOLDS LAW RESTRICTING FOREIGN DONATIONS TONGO'S

The Supreme Court of India in the case *Noel Harper & others v. Union of India & Anr* upheld series of amendments to the Foreign Contributions (Regulation) Act 2010 (FCRA) to strictly regulate the flow and utilisation of foreign contributions by organisations into the country. In the case before the court, the petitioners had challenged the constitutionality of provisions of FCRA 2010 vide Foreign Contribution (Regulation) Amendment Act 2020 in particular section 7, 12(1A), 12 (A) and 17(1) being manifestly arbitrary, unreasonable and impinging upon the fundamental rights guaranteed to the petitioners under Articles 14, 19 and 21 of the Constitution of India. Section 7, which forbade a recipient of foreign contribution from further transferring the same to any other entity, and the proviso to Section 11(2), which empowered the state to direct an organisation against the utilisation of foreign contributions during the pendency of inquiry for suspected violations of the FCRA. They also challenged Sections 12 and 17, which mandated all foreign contributions to be deposited in an FCRA-specific account created in a specified branch of a scheduled bank. Heading the Bench Justice AM Khanwilkar said that the Third World Countries may welcome foreign

donations, but a 'self-reliant nation' may choose to ban such donations to uphold values of our sovereign, democratic republic. The court further said "By its very expression, it is a reflection on the constitutional morality of the nation as a whole being incapable of looking after its own needs and problems. The question to be asked is: 'In normal times', why developing or developed countries would need foreign contribution to cater to their own needs and aspirations? Indisputably, the aspirations of any country cannot be fulfilled on the hope of foreign donation, but by the firm and resolute approach of its own citizens to achieve the goal by sheer dint of their hard work and industry. Indeed, charitable activity is a business." No one can claim that receiving foreign funds was an absolute right, the court said. It was a right that can be subjected to reasonable restrictions. In this case, the law did not affect the right to follow any occupation, trade or business or the right to form association, the court said. Considering the need for the Parliament to intervene to arrest the increasing influence of foreign funds on the polity and large-scale misappropriation noticed by the authorities, altering the dispensation to provide for stricter compliance mechanism was a reasonable restriction.

Forthcoming Events

50th Golden Jubilee Annual Conference:
29-31 July 2022

21st Henry Dunant Memorial Moot Court
Competition 2022: 22-25 September 2022

(This issue of newsletter has covered the activities of ISIL for the period of 2020 to June 2022).