



# The Indian Society of International Law NEWSLETTER

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For members only

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22, Krishna Mohan, Bhubaneswar,  
5, Bhargava, New Road,  
New Delhi-110001 (INDIA)  
Tel: 22499000, 22499000-01 Fax: 22499780  
E-mail: [mail@isil.org](mailto:mail@isil.org), [isil@isil.org](mailto:isil@isil.org)  
Website: [www.isil.org](http://www.isil.org)

## From the President's Desk



In the second week of March the International Atomic Energy Agency (IAEA) decided to refer the Iran nuclear activities to the UN Security Council. The decision was taken by the IAEA, after its Board voted in favour of reporting Iran to the UN Security Council on 4<sup>th</sup> February 2006. The referral to the Security Council could lead to sanctions or even armed action by the Security Council against Iran. Unilateral action by the USA is of course not to be ruled out.

Iran has been consistently arguing that its nuclear programme is fully in compliance with the Non-Proliferation Treaty 1968 (NPT) and IAEA requirements, and there is no tangible evidence to suggest that it is producing nuclear weapons. Iran alleged that the US Administration is artificially creating the conditions for international isolation of Iran via the Security Council. Its aim is to secure international consensus that Iran's nuclear aims are not peaceful, and then to obtain Security Council's support for imposing sanctions against Iran. On the contrary, U.S. alleged that Iran would divert the plutonium from the reactor for bomb-making. Moreover, Iran has failed to reveal to the IAEA all aspects of its programme, including purchases of weapons-related nuclear know-how and equipment from other countries. Therefore, suspicions have become widespread, particularly among western states that Iran has nuclear weapon ambition and the uranium enrichment work, which Iran has carried out with the purposes not only for use in peaceful energy production, but for the creation of nuclear weapons.

As per the NPT, all the parties to the Treaty have the right to develop research, production and use of nuclear energy and to facilitate the possible exchange of equipment, materials and scientific and technological information for peaceful purposes. All ground inspections of Iran have shown that it is using its nuclear capabilities in conformity with the NPT and has not pursued nuclear weapons. The IAEA in its latest report also stated that it had not seen any diversion of nuclear material to nuclear weapons programme. The Iran's nuclear research activity for peaceful purposes is legal, and there is no proof that Iran is intending to breach international law. But, the pressure of the West on the IAEA Board members to report the issue to the UN Security Council shows the hegemonic intention of USA and its allies.

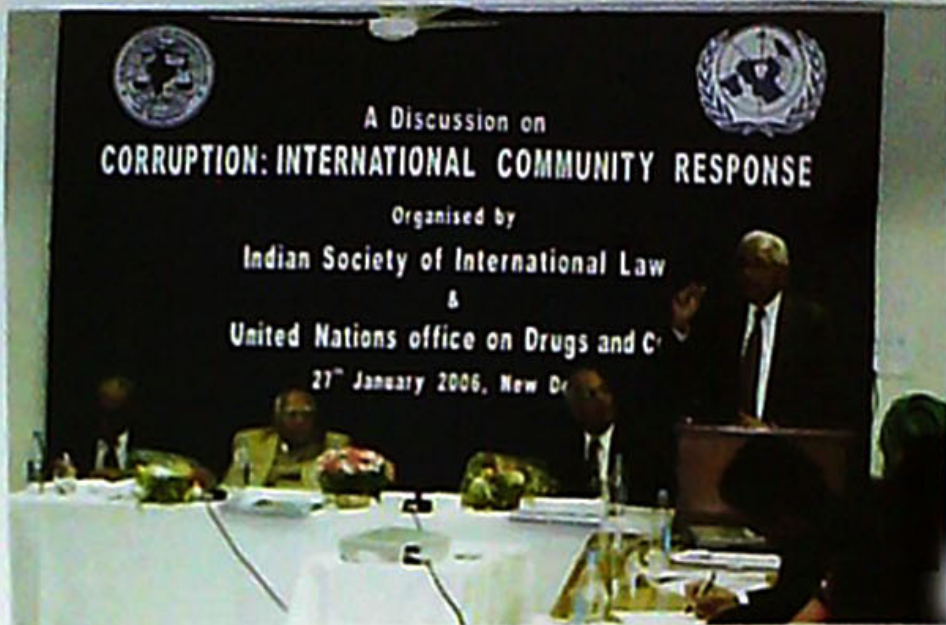
So the international community should continue to insist on all sides to tone down the rhetoric and to encourage diplomatic dialogue in order to find a long-term peaceful solution to the deadlock. It shows that diplomacy has not been allowed to play its due role. Any hasty action by the Security Council would lead the world opinion to believe that an Iraq-like situation is being sought to be created.

Ram Niwas Mirdha

## A Discussion on Corruption

The Indian Society of International Law (ISIL) and the United Nations Office on Drugs and Crime (UNODC) jointly organised a discussion on *Corruption: International Community Response* on 27<sup>th</sup> January 2006 at the Society's premises. Prof. V.C. Govindaraj, Vice President, ISIL, welcomed the delegates and the chief guest, Justice J.S. Verma, Former Chief Justice of India presided the discussion. In his presidential address he underlined the importance of combating corruption both at national and international level. More than 75 delegates including lawyers, law students, law teachers, legal officers from various national and international organisations and officials from different government departments participated in the discussion.

Shri Ram Jethmalani, Former Law Minister of India and Senior Advocate, Supreme Court of India spoke on judicial response to corruption. He pointed out the role of Indian Judiciary in preventing the evil of corruption. Shri Ajit Joy, Project Coordinator, UNODC spoke on United Nations Convention Against Corruption. He has pointed out the significance of the Convention in preventing international



corruption. Shri Raj Kumar, Assistant Professor, School of Law, City University of Hong Kong & Honorary Consultant, National Human Rights Commission of India spoke on Corruption and Good Governance.

Shri G.V. Rao, Member Executive Council, ISIL while proposing the vote of thanks narrated about the corruption free world and also highlighted the presentations and the important points that arose during discussions.

## Roundtable Discussion On International Criminal Justice

The ISIL and the International Bar Association (IBA), London jointly organised a Roundtable Discussion on *International Criminal Justice: A Case Study of the International Criminal Court* on 27<sup>th</sup> February 2006 at the Society's premises. Justice J.S. Verma, former Chief

Justice of India, chaired the discussion. Shri Ram Niwas Misra, President, ISIL, welcomed the delegates and Ms. Lorna McGregor, ICC Programme Lawyer, International Bar Association (IBA) described the IBA's ICC Monitoring and Outreach

Programme particularly focussing on the fair trial rights of the accused. Prof. Roy S. Lee, Former Executive Secretary of the Rome Conference Establishing International Criminal Court was also one of the main speakers on the occasion.

The Roundtable was organised with the aim of bringing together lawyers, academics and civil society organisations to discuss the role and significance of the ICC against a broader landscape of developments in accountability for the commission of international crimes at the national, regional and international level. More than 80 participants including lawyers, law teachers, representatives of various organisations and government officials were present in the event.

Shri C. Jayaraj, Dr. Herta Daubler-Gmelin, Shri Siddharth Varadarajan, Ms. Usha Ramanathan, Ms. Saumya Uma, Ms. Farha Naqvi, Ms. Urvashi Butala, Shri Madhu Mehara, Shri Mrinal Satish and Ms. Carolin Avanzo also spoke and participated in the discussion. Dr. Manoj Kumar Sinha introduced the speakers.



# International Law Training Programme for Indian Foreign Service Probationers

The ISIL organised a four-day training programme for the Indian Foreign Service Probationers on international law on 13-17 February 2006 at the Society's premise. The lectures were delivered by experts on international law, which include Prof. R.P. Anand, Shri B. Sen, Prof. Lakshmi Jambhokar, Prof. Veena Bakshi, Mr. Larry Maybee, Ms. Carol Batchelor, Dr. V.D.

Sharma, Dr. A.S. Reddy, Dr. Ravindra Pratap, Dr. Manoj Kumar Sinha, Shri Luther Rangrej and Shri Shikhar Ranjan.

In the Course, various issues of international law, its nature and scope were discussed. The UN efforts to combat international terrorism, International Air and Space Law, Law of International Treaties, International

Environmental Law, International Human Rights and Humanitarian Law, current issues of World Trade Organisation and Dispute Settlement Mechanism and issues relating to International Criminal Court were taught to the probationers. Dr. Manoj Kumar Sinha, Assistant Professor, ISIL, was the course co-ordinator.

## Special Lectures

### Special Lecture on International Law and US Death Penalty

Prof. Susan L. Karamanian, Associate Dean, International and Comparative Legal Studies, The George Washington University Law School, delivered a lecture on *International Law and US Death Penalty* on 28<sup>th</sup> January 2006 at the Society's premise. Prof. Veena Bakshi, Vice President, ISIL, welcomed the chief guest and the participants and later V.C. Govindaraj, Vice President, ISIL, gave the vote of thanks. Shri R.K.P. Shankardass, Vice President, ISIL, also spoke on the occasion.

### Special Lecture on the Role and Function of the International Seabed Authority

Shri Satya N. Nandan, Secretary General, International Sea Bed Authority, Kingston, Jamaica delivered a lecture on the Role and



Function of the International Seabed Authority on 1<sup>st</sup> February 2006 at the Society's premises. Prof. R.P. Anand, Professor Emeritus, Jawaharlal Nehru University, New

Delhi in his address, described the history of the Law of the Sea. Prof. V.C. Govindaraj, Vice President, ISIL, welcomed the chief guest and the participants and later Shri Narinder Singh, Joint Secretary and Legal Advisor, Legal and Treaty Division, Ministry of External Affairs, Government of India gave the vote of thanks.

### Special Lecture on International Investment Law

Shri Devashish Kahan, Lawyer, Baker Botts, London delivered a lecture on the topic of *International Investment Law* on 3<sup>rd</sup> February 2006 at Society's premise. He described various issues and problems of international investment law in the era of globalisation. Shri V.K. Singh, Researcher, ISIL, also spoke on the occasion.



## Secretary General's Visit

The Secretary General spoke at the P.G. Department of Law, Nagpur University on 11<sup>th</sup> March 2006 on *Recent Developments Relating to International Criminal Court*. He also addressed the inaugural session of the ISIL – GH Raisoni Law School National Moot Court Competition on Intellectual Property Rights at the High Court Nagpur Bench Auditorium.

## ISIL Researchers' Visit

Shri Anwar Sadat, Researcher, ISIL participated and spoke on the topic entitled *A Critical Overview of the Financial Mechanism for Climate Change in the National Workshop on Operationalisation of Clean Development Mechanism: Implications for Developing Countries Challenges and Opportunities for Developing Countries* on 18<sup>th</sup> February 2006 organised by AIGLER, New Delhi.

Shri V.K. Singh and Shri Asif Rashid A., Researchers, ISIL participated and presented papers on *The Right to Economic Self-determination under International law* and *Intervention for the Protection of Self-Determination: Ethics and Legality* respectively, in the National Seminar on *Principle of Self-Determination in International and National Context* organised by the University Institute of Legal Studies, Punjab University, Chandigarh on 25<sup>th</sup> March 2006.

## Chief of Prosecution, ICTR visited ISIL

Mr. Stephan Rapp, Chief of Prosecution, International Criminal Tribunal for Rwanda visited the ISIL on 7<sup>th</sup> January 2006. He also interacted with Shri Ram Niwas Mirdha, President, ISIL, Shri Narinder Singh, Legal Advisor, Ministry of External Affairs (MEA) and Joint Secretary, Legal and Treaty Division, MEA, Government of India and research staff of ISIL.

## Secretary General, Asian Academy of International Law, Taipei visited ISIL

Prof. Chia Jui Cheng, Professor of International Law, Soochow University and Secretary General, Xiamen Academy of International Law, Taipei visited the ISIL on 17<sup>th</sup> January 2006. He discussed with Shri Ram Niwas Mirdha, and other members of the Executive Council about the future relationship between the ISIL on one side and the Xiamen Academy of International

Law and Sochow University on the other and also discussed about the possibility of organising a meeting jointly by the ISIL and the Xiamen Academy at New Delhi.

## Minister of Justice, Republic of Maldives visited ISIL

A delegation led by Mohammed Jameel Ahmed, the Minister of Justice, Republic of Maldives, visited the ISIL on 17<sup>th</sup> January 2006 and had a meeting with Shri Ram Niwas Mirdha, Shri R.K.P. Shankardass, Prof. V.C. Govindaraj, Shri Narinder Singh and research staff of the ISIL. The Minister had requested the President to organise a training programme for the Law Officers of Maldives by the ISIL.

## Judges of the Shanghai High People's Court visited ISIL

A seven-member delegation of Judges of the Shanghai High People's Court visited the ISIL on 3 March 2006. The delegation was led by Judge Zhang Haitang, Vice President of Shanghai High People's Court, Mr. Judge Qian Xiqing, Vice President of Shanghai No.2 Intermediate People's Court, Mr. Judge Zhang Jinsen, Chief Judge of the Case-Filing Division of Shanghai High People's Court, Mr. Judge Huang Xiangong, Chief Judge of the Second Criminal Division of Shanghai People's Court, Mr. Judge Zhang Bin, Chief Judge of the Administrative Division of Shanghai High People's Court, Mr. Judge XU Xingguo, Judge of Shanghai High People's Court, Mr. Sun Lirong, Deputy Chief of the Judicial Administrative Equipment Division of Shanghai High People's Court. Shri G. Venkatesh Rao, made introductory remarks and Shri Ram Niwas Mirdha, President, ISIL, welcomed the guest. Prof. K.N. Chandrasekharan Pilla, Director, Indian Law Institute, New Delhi and Shri A.K. Ganguli, Senior Advocate, Supreme Court of India explained some aspects of the Indian legal system. Dr. Manoj Kumar Sinha gave vote of thanks.

## Dean, Queen's University of Technology Law School visited ISIL

Prof. Michael Lavarch, Dean, Queen's University of Technology Law School and former Attorney General of Australia along with Prof. J.K. Mittal, Director and Shri K.D. Raju,

Assistant Director, Amity Institute of Global Legal Education and Research visited the ISIL on 6<sup>th</sup> March 2006 and discussed with Shri Ram Niwas Mirdha, President, ISIL, Shri C. Jayaraaj, Secretary General, ISIL about the possibility of establishing future educational relationship between Queen's University and the ISIL. Dr. Manoj Kumar Sinha and Shri V.K. Singh were also present on the occasion.

## Law Students Visited ISIL

A delegation of more than 70 students from Ambedkar Law College, Deekshabhorni, Nagpur visited the ISIL on 23<sup>rd</sup> February 2006. Dr. Manoj Kumar Sinha, Assistant Professor, ISIL, explained the objectives and activities of the ISIL. He also spoke on importance of international law in the era of globalisation. Shri V.K. Singh and Shri Anwar Sadat, Researchers, ISIL also interacted with the students.

A delegation of more than 140 students from Faculty of Law, Kumoun University, S.S.J. Campus, Almora, Uttaranchal led by Dr. S.D. Sharma, Dean, Faculty of Law, Kumoun University visited the ISIL on 21<sup>st</sup> and 22<sup>nd</sup> March 2006. Dr. A.S. Reddy, Legal Officer, Legal & Treaty Division, Ministry of External Affairs addressed the students and described the significance of studying international law. Dr. Manoj Kumar Sinha, Assistant Professor, ISIL narrated the activities and functions of the ISIL. Shri V.K. Singh, Researcher, ISIL, also spoke on the occasion.

## FORTHCOMING EVENTS

### Annual Conference

ISIL is organising its 35<sup>th</sup> Annual Conference on 15-16 April at the Society's premises.

### Triennial Meeting of the ISIL

The Triennial Meeting of the ISIL to elect the office bearers of the Society will be held on 22<sup>nd</sup> April 2006 at the Society's premises.

### Summer Course

ISIL is organising its 5<sup>th</sup> Summer Course on International Law from 12-24 June 2006 at the Society's premises.