



The Indian Society of International Law

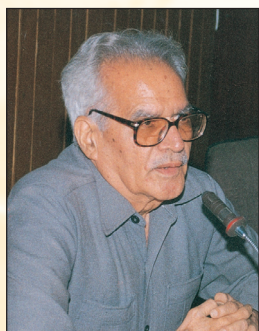
NEWSLETTER

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Editorial



The United Nations sponsored climate change conference held on the Indonesian island of Bali from 3 to 14 December 2007, ended on a positive note. Participating States agreed for Bali Roadmap and decided to launch a two-year process of formal negotiations on strengthening international efforts to fight, mitigate and adapt to the problem of global warming. To implement the Bali Roadmap, four major UNFCCC meetings are planned for next year, with the first to be held in by April. The negotiations process is scheduled to conclude in 2009 at a major summit in Copenhagen.

More than 10,000 delegates, lobbyists, scientists and bureaucrats from 187 countries participated in the Bali conference. The event was the first of a series of international summits scheduled over the next two years, which are to determine a legal framework for undertaking commitments beyond 2012. Thus, a strong multilateral framework should be put in place by 2009 to ensure that the international community has a negotiated commitment for green house gas reductions after 2012.

In addition to the Bali Roadmap, participating countries have also agreed on a series of steps that can be taken immediately to strengthen their commitment to the UN Framework Convention on Climate Change (UNFCCC). An agreement was adopted that will allow Adaptation Fund to fund projects in developing countries that will help people cope up with the impacts of climate change over the next four years. The fund, currently worth over \$30 million and which is expected to grow to an estimated \$80-\$300 million by 2012, will get its resources from a two per cent levy on all transactions of the Clean Development Mechanism. It was also agreed on a new programme to scale up investment for the transfer of clean technologies to developing countries.

Deforestation, which causes 20 per cent of all greenhouse gas emissions, also figured on the agenda in a major way for the first time in climate change discussions. Countries agreed on a range of measures to study and assess the issue including finding out just how to calculate emissions from deforestation, as well as encouraging demonstration projects that can address the needs of local and indigenous communities.

By adoption of a series of measures, the participating States have recognized the urgency of action on climate change and paved the way for adoption of stronger global framework beyond 2012. An agreement in Bali offers the possibility that the world, including the United States, will spend the next two years negotiating a treaty that limits greenhouse gas emissions and ultimately slows the warming of the planet. It is gratifying to note that there is a tremendous pressure from the concerned civil society groups, the scientific community and the people as a whole which it will not be possible even for the most obstreperous countries to resist.

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Ram Niwas Mirdha

THIRD SOUTH ASIAN REGIONAL HENRY DUNANT MEMORIAL MOOT COURT COMPETITION

ISIL and the International Committee of the Red Cross (ICRC) organized the Third South Asian Regional Henry Dunant Memorial Moot Court Competition on International Humanitarian Law (IHL) at ISIL from 26 October 2007 to 28 October 2007. The inaugural session was presided over by Shri Ram Niwas Mirdha, President of ISIL. Mr. Vincent Nicod, Head of the ICRC, Regional Delegation for South Asia, ICRC also spoke on this occasion. In his opening address, Hon'ble Justice Dr. S. Rajendra Babu, Chairperson, National Human Rights Commission, New Delhi, drew attention to the significance of International Humanitarian Law and issues relating to IHL and non-State actors. Prof. Rahmatullah Khan, Secretary General, ISIL, gave concluding remarks. Winners of the National Rounds of Henry Dunant Memorial Moot Court Competition organized in Bangladesh, Iran, Nepal, Pakistan, Sri Lanka and India respectively participated in this competition.

The participants of the moot court competition were judged on the basis of their written memorials, appreciation of facts and law, advocacy skills, use of authorities and citations, general impression and court manners. The moot court competition was judged by eminent academicians, government officials and lawyers. Hon'ble Justice Shri Madan, B. Lokur, Judge, Delhi High Court, Justice Dr. S. Muralidhar, Judge, Delhi High Court and Shri R. Mohan, Additional Solicitor General, India adjudicated the final round. **NALSAR**



University of Law Hyderabad emerged as winners and *Faculty of Law, University of Colombo, Sri Lanka* stood as the second best team. *Ms. Antara Singh, Kathmandu School of Law, Kathmandu, Nepal* was adjudged the Best Advocate, *Mr. Barun Ghimire, Kathmandu School of Law, Kathmandu, Nepal* won the Best Researcher award and *India* won the Best Memorial Award in this competition. Justice Madan B. Lokur delivered valedictory address.

ELEVENTH SOUTH ASIAN TEACHING SESSION ON INTERNATIONAL HUMANITARIAN LAW

The Eleventh South Asian Teaching Session on International Humanitarian Law (IHL) was conducted from 13 November 2007 to 20 November 2007. The teaching session was organized at Bangalore by the ISIL, ICRC and Department of Political Science, Bangalore University, Bangalore. Forty Delegates from Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Nepal, Pakistan and Sri Lanka participated in the session.

INTERNATIONAL CONFERENCE ON INTERNATIONAL ENVIRONMENTAL LAW, INTERNATIONAL SEMINAR ON RECENT TRENDS IN TEACHING AND RESEARCH IN INTERNATIONAL LAW AND SEMINAR ON LAW OF THE SEA

ISIL organized 5th International Conference from 8 December 2007 to 10 December 2007. The themes of the conference are International Environmental Law, organized on 8-9 December 2007, the other themes of the conference viz Recent Trends in Teaching and Research in International Law and Law of the Sea was organized on 10 December 2007. Law of the Sea seminar was organized in commemoration of the 25th anniversary of the adoption of the United Nations Convention on the Law of the Sea.

In his inaugural address, Prof. Thomas M. Frank, Professor of Law, New York University School of Law, New York spoke



about the significance of international law and prospects of taking up study of various issues of international law jointly by Indian Society of International Law and the American Society of International Law to undertake joint project with American Society of International Law. His Excellency Dr. David M. Malone, High Commissioner of Canada to India, Prof. R. P. Anand, Executive President, ISIL spoke on this occasion. Shri Ram Niwas Mirdha, President, ISIL welcomed the distinguished gathering and Prof. Rahmatullah Khan, Secretary General, ISIL, proposed a vote of thanks. Shri Ram Niwas Mirdha, President, ISIL released the Conference Papers and two books titled "*Non-Resident Indian and Private International Law*" edited by Prof. V. C. Govindaraj and Shri C. Jayaraj and "*India and International Law - Vol. - II*" edited by Shri Bimal N. Patel.

Discussions in the Conference on International Environmental Law covered areas like General Principles of International Environmental Law, Emerging International Environmental Regimes and Indian National Policy, Environment and Sustainable Development, Enforcement of International and National Environmental Law. Technical

sessions were followed by a cultural programme, performed by artists of Sahitya Kala Parishad.

International Conference on Recent Trends in Teaching and Research in International Law was organized on 10 December 2007. Eminent international law scholars presented papers on a variety of themes related to trends in teaching and research of international law. The Seminar was presided over by Prof. V.C. Govindaraj. Prof. Yves Daudet, Secretary-General of the Hague Academy of International Law, Prof. S.K. Verma, Prof. Lakshmi Jambholkar, Prof. B.S. Chimni, and Shri C. Jayaraj presented papers, which was later followed by a discussion. Further, to celebrate the occasion of 25th anniversary of adoption of the United Nation Convention on Law of the Sea, the Indian Society of International Law (ISIL), New Delhi, hosted a Seminar on 10 December 2007. Eminent scholars presented papers on themes related to "Historical Background and Evolution of the UNCLOS", "Recent Developments and Trends in the Law of the Sea", "Problems and Challenges in Delimitation of Maritime Space of South Asia", "Sustainable Development and Marine Pollution", and "Military Uses and Abuses of EEZ vis-a-vis

Maritime Piracy". Emphasis of the Seminar was on actions to be taken at the national and global level for implementation of the UNCLOS and related Agreements. Finally, the Seminar attempted to sensitize the participants to the multilateral processes and practices that take place in the context of the negotiations of draft resolutions on oceans and the law of the sea and fisheries issues.

A large number of delegates from India and abroad, most of them belonging to the academia, Government, NGOs and Inter-Governmental Organizations participated in the Conference. The Conference covered thirty eight papers in all the thematic sessions, presented by Indian and overseas experts. Prof. Rahmatullah Khan, Secretary General, ISIL, delivered the valedictory address.

TRIBUTE

Eighty-five year old Shri Amarnath Sehgal, an internationally renowned sculptor, painter and poet, passed away on 27 December 2007 at Delhi. Shri. Sehgal made the statue of renowned statesman Late Shri V. K. Krishan Menon, placed in the foyer of the Indian Society of International Law. Shri. Sehgal was born at Campbellpur, Attock (now in Pakistan) in 1922. He graduated in Industrial Chemistry from Benaras in 1941 and worked as an engineer before taking up art studies from the New York University. His works are exhibited across continents spanning North America, Africa, Europe, Australia, New Zealand and India.

RENOVATION OF ISIL LIBRARY

The renovation work in ISIL, library completed recently. On 17 December 2007, Dr. R K. Dixit, Treasurer, ISIL formally reopened the library. Prof. Rahmatullah Khan, Secretary-General, ISIL, and staff of the ISIL were present on this occasion.

RECENT DEVELOPMENTS

General Assembly Elected Burkina Faso, Costa Rica, Croatia, Libya, Vietnam for Two-year Terms in Security Council

The General Assembly in its Sixty Second Plenary Meeting held on 16 October 2008, elected Burkina Faso, Costa Rica, Croatia, Libya and Vietnam to serve as non-permanent members of the Security Council for the next two years. They will fill the seats that will be vacated by the Democratic Republic of the Congo, Ghana, Peru, Qatar, and Slovakia on 31 December 2007. Belgium, Indonesia, Italy, Panama and South Africa will continue to serve as elected Council members during 2008, for the second year of their respective terms. All new Council members will take their seats on 1 January 2008.

General Assembly Adopts Resolutions on Human Rights including Landmark Text Calling for Moratorium on Death Penalty

On 16 October 2007, the General Assembly adopted 54 resolutions and 12 decisions including a landmark text calling for a moratorium on executions to be established in all States that still maintain the death penalty, as well as a resolution strongly condemning rape against women and girls in all its forms, including in conflict situations. The resolution calling for "a moratorium on the death penalty" was passed by a vote of 104 in favour to 54 against, with 29 abstentions. It called on all States that still allowed capital punishment to "progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed".

Among the 17 resolutions adopted by record vote, were relating to country-specific texts addressing the situation of human rights in Belarus, the Democratic People's Republic of Korea, and Iran. As in past, the country-specific resolutions prompted heated debate, with several delegations - notably from the developing world - contending that they were selective and politically motivated, and that the Human Rights Council was the better venue to address such issues. Other representatives

maintained that, as the only international body with universal membership, the Assembly was an essential forum for illuminating the world's most critical human rights situations.

The General Assembly also adopted by record vote resolutions on the Rights of the Child; the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Report of the Human Rights Council on the preparations for the Durban Review Conference; the right of the Palestinian people to self-determination; strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization; globalization and its impact on the full enjoyment of all human rights; combating defamation of religions; the right to development; human rights and unilateral coercive measures; the promotion of peace as a vital requirement for the full enjoyment of all human rights by all; the right to food; and respect for the purposes and principles contained in the Charter of the United Nations.

General Assembly Adopts Landmark Resolution Concerning United Nations Development System, As It Takes Action on 32 Texts Approved by Second Committee

In an attempt to interlink poverty eradication, sustainable and economic development, and the achievement of the Millennium Development Goals, the General Assembly in its Sixty-second Plenary Meeting (PM) on 19 December 2007 set in motion two major initiatives today by unanimously adopting - among 32 development-related actions put forward by its Second Committee (Economic and Financial) - a series of groundbreaking resolutions, including a landmark text on the United Nations development system. After two and a half weeks of intense debate in the Committee, the Assembly's adoption, by consensus, of a resolution on the triennial comprehensive policy review would shape United Nations development activities over the next three years, specifically on funding, national-capacity development and

development effectiveness. Of the key initiatives adopted by consensus, one resolution set the modalities for the Review Conference on Financing for Development, to be held in Doha, Qatar, next year, and another proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), urging all Governments, as well as the international community, to continue seriously to pursue poverty eradication.

General Assembly Adopts Landmark International Agreement on Forests: Setting New Standard for Their Management

The General Assembly adopted a landmark agreement on international forest policy and cooperation on 17 December 2007 that sets a new standard in forest management. The agreement was reached in April this year, after two weeks of intense negotiations among delegates to the United Nations Forum on Forests. The new agreement, the "Non-Legally Binding Instrument on All Types of Forests", calls for greater international cooperation and national action to reduce deforestation, reverse the loss of forest cover, prevent forest degradation, promote sustainable livelihoods and reduce poverty for all forest-dependent peoples.

Case Concerning Territorial and Maritime Dispute Between Nicaragua and Honduras in The Caribbean Sea (Nicaragua v. Honduras)

On 8 October 2007, ICJ delivered judgment in the case concerning Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea. The facts of the case are as follows: On 8 December 1999, the Republic of Nicaragua filed in the Registry of the Court an Application dated the same day, instituting proceedings against the Republic of Honduras in respect of a dispute relating to the delimitation of the maritime areas appertaining to each of those States in the Caribbean Sea. In its Application, Nicaragua invoked the jurisdiction of the Court on the provisions of Article XXXI of the American Treaty on Pacific Settlement, as the "Pact of Bogotá", as well as on the declarations accepting the

jurisdiction of the Court made by the Parties, as provided for in Article 36, paragraph 2, of the Statute of the Court. ICJ unanimously found that the Republic of Honduras has sovereignty over Bobel Cay, Savanna Cay, Port Royal Cay and South Cay. By fifteen votes to two, ICJ determined the maritime boundary that divides the territorial sea, continental shelf and exclusive economic zones of the Republic of Nicaragua and the Republic of Honduras. By sixteen votes to one, ICJ found that the Parties must negotiate in good faith with a view to agreeing on the course of the delimitation line of that portion of the territorial sea located between the endpoint of the land boundary as established by the 1906 Arbitral Award and the starting-point of the single maritime boundary determined by the Court to be located at the point with the co-ordinates 15° 00' 52" N and 83° 05' 58" W.

International Court of Justice (ICJ): Territorial and Maritime Dispute (Nicaragua v. Colombia)

On 13 December 2007, ICJ delivered judgment in Nicaragua v. Colombia case. On 6 December 2001, the Republic of Nicaragua filed in the Registry of the Court an Application instituting proceedings against the Republic of Colombia in respect of a dispute consisting of "a group of related legal issues subsisting" between the two States "concerning title to territory and maritime delimitation" in the western Caribbean. In its Application, Nicaragua invoked the jurisdiction of the Court on the provisions of Article XXXI of the American Treaty on Pacific Settlement signed on 30 April 1948, as the "Pact of Bogotá" as well as on the declarations made by the Parties under Article 36 of the Statute of the Permanent Court of International Justice. As regards the first preliminary objection to jurisdiction raised by the Republic of Colombia on the basis of Articles VI and XXXIV of the Pact of Bogotá, ICJ by thirteen votes to four, upholds the objection to its jurisdiction in so far as it concerns sovereignty over the islands of San Andrés, Providencia and Santa Catalina. ICJ unanimously rejected the objection to its jurisdiction in so far as it concerns sovereignty over the other maritime features in dispute between the Parties. It also

unanimously rejected the objection to its jurisdiction in so far as it concerns the maritime delimitation between the Parties. As regards the second preliminary objection to jurisdiction raised by the Republic of Colombia relating to the declarations made by the Parties recognizing the compulsory jurisdiction of the Court by fourteen votes to three upholds the objection to its jurisdiction in so far as it concerns sovereignty over the islands of San Andrés, Providencia and Santa Catalina. By sixteen votes to one, ICJ found that it is not necessary to examine the objection to its jurisdiction in so far as it concerns sovereignty over the other maritime features in dispute between the Parties and the maritime delimitation between the Parties.

DS312: Korea - Antidumping Duties on Imports of Certain Paper from Indonesia

On 22 October 2007, the Dispute Settlement Board (DSB) adopted the compliance Panel report (WT/DS312/RW) in dispute on antidumping duties on imports of certain paper from Indonesia. Thus, Indonesia expected Korea to immediately withdraw the antidumping measure. Korea recognized the Panel's report in good faith addressing the issues raised by this dispute but failed to understand why the Panel did not consider some of Korea's arguments.

DS334: Turkey - Measures Affecting the Importation of Rice

The DSB adopted the Panel report (WT/DS334/R) on Turkey – Measure Affecting the Importation of Rice on 22 October 2007. The Panel concludes that Turkey's decision, from September 2003 and for different periods of time, to deny, or fail to grant, Certificates of Control to import rice outside of the tariff rate quota, constitutes a quantitative import restriction, as well as a practice of discretionary import licensing, within the meaning of footnote 1 to Article 4.2 of the Agreement on Agriculture. Accordingly, it is a measure of the kind which has been required to be converted into ordinary customs duties and is therefore inconsistent with Article 4.2 of the Agreement on Agriculture. The Panel recommends that the Dispute Settlement Body request Turkey to bring the inconsistent measures as listed above into

conformity with its obligations under the WTO agreements.

DS366: Colombia - Indicative Prices and Restrictions on Ports of Entry

At the second time request of Panama, on 22 October 2007, a Panel was established to review Colombia's restrictive measures imposed on Panama's imports. Panama declared that Colombia unilaterally ignored the mutually agreed solution which was found during this consultation and reintroduced measures restricting Panama's access to Colombia's market. The countries that reserved their third party rights are Guatemala, Ecuador, Honduras, the EC, India, the US, and Chinese Taipei.

DSB OF THE WTO Appoints its New Appellate Body "Judges"

On 27 November 2007 meeting, the DSB appointed Ms. Lilia Bautista (Philippines), Ms. Jennifer Hillman (United States), Mr. Shotaro Oshima (Japan) and Ms. Yuejiao Zhang (China) as the new members of the Appellate Body. Ms. Bautista's and Ms. Hillman's four year term would start on 11 December 2007. Mr. Oshima's and Ms. Zhang's four year term would start on 01 June 2008.

DS363: China - Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products

At the second time request of the US (WT/DS363/5), a panel was established to review Chinese measures affecting market access and distribution services of goods such as movies, DVDs, videos, publications or books. The EC and Japan reserved their third party rights.

DS357: US - Subsidies and other Domestic Support for Corn and other Agricultural Products

At the second time requests of Brazil (WT/DS365/13) and Canada (WT/DS357/12/ and Corr.1), on 16 December 2007, a single

panel was established to review US farm subsidies and domestic support programmes. Brazil and Canada both stated that the United States' Current Total Aggregate Measurement of Support has exceeded its commitment levels in each of the years 1999, 2000, 2001, 2002, 2004 and 2005, contrary to Article 3.2 of the Agreement on Agriculture. The countries that reserved their third party rights are the EC, India, Japan, Australia, Argentina, China, Thailand, Mexico, New Zealand, South Africa, Chile, Chinese Taipei and Nicaragua.

DS332: Brazil - Measures Affecting Imports of Retreaded Tyres

On 3 December 2007, the DSB adopted the Appellate Body report (WT/DS332/AB/R) and the panel report (WT/DS332/R) on Brazil's measures banning imports of retreaded tyres from the EC. The Appellate Body recommends that the DSB request Brazil to bring its measure, found in this Report, and in the Panel Report as modified by this Report, to be inconsistent with the GATT 1994, into conformity with its obligations under that Agreement.

DS336: Japan - Countervailing Duties on Dynamic Random Access Memories from Korea

On 28 December 2007, the DSB adopted the Appellate Body report (WT/DS336/AB/R) and the panel report (WT/DS336/R) considering Japan's countervailing duties imposed on DRAMs imports from Korea. The Appellate Body recommended that the DSB request Japan to bring its measure, found in this Report, and in the Panel Report as modified by this Report, to be inconsistent with the SCM Agreement, into conformity with its obligations under that Agreement.

WTO Issued Arbitration Report on Gambling Dispute

On 20 April 2005, the DSB adopted the report of the Panel in this dispute, as modified by the report of the Appellate Body. The Appellate Body *inter alia* upheld the original panel's finding that the United States' Schedule includes a commitment to grant full market access in gambling and betting services and upheld the Panel's

finding that the United States acts inconsistently with Article XVI:1 and subparagraphs (a) and (c) of Article XVI:2 by maintaining certain limitations on market access not specified in its Schedule. On 19 August 2005, an arbitrator established under Article 21.3(c) of the DSU determined that the "reasonable period of time" for the United States to implement the recommendations and rulings of the DSB in this dispute was 11 months and 2 weeks from the date of adoption of the Panel and Appellate Body Reports by the DSB. By December 2007, the Arbitrator determined that the annual level of nullification or impairment of benefits accruing to Antigua in this case is US\$21 million and that Antigua has followed the principles and procedures of Article 22.3 of the DSU in determining that it is not practicable or effective to suspend concessions or other obligations under the GATS and that the circumstances were serious enough. Accordingly, the Arbitrator determined that Antigua may request authorization from the DSB, to suspend the obligations under the TRIPS Agreement mentioned in paragraph 5.6 above, at a level not exceeding US\$21 million annually.

Entry into Force of Amendments to the Regulations of the International Criminal Court (ICC)

On 18 December 2007, amendments to the Regulations of the ICC adopted by the judges on 14 June and 14 November 2007, during their eighth and ninth plenary sessions, entered into force. Pursuant to Article 52 of the Rome Statute, the amendments to the Regulations of the Court will be circulated to States Parties for comments. If, within six months from circulation, there are no objections from a majority of States Parties, the amendments shall remain in force.

Assembly of States Parties to the Rome Statute Elects Three Judges

At the sixth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court ("the Assembly"), held at United Nations Headquarters in New York, from 30

November to 14 December, 2007. The Assembly elected the following judges to fill three judicial vacancies: Cotte, Bruno, (France), Nsereko, Daniel David Ntanda, (Uganda), Saiga, Fumiko (Japan). In accordance with the Rome Statute, the judges were elected to fill the judicial vacancies for the terms of office of their predecessors. Pursuant to a drawing of lots, which took place on 3 December 2007, the term of office for Ms. Fumiko Saiga shall end on 10 March 2009, while the terms of office of Mr. Bruno Cotte and Mr. Daniel Nsereko shall end on 10 March 2012. The Assembly of States Parties is the management, oversight and legislative body of the International Criminal Court. It is composed of representatives of the 105 States that have ratified or acceded to the Rome Statute.

Germain Katanga Transferred into the Custody of the ICC

On 17 October 2007, the Congolese authorities surrendered and transferred Mr Germain Katanga, a Congolese national and alleged commander of the Force de résistance patriotique en Ituri [Patriotic Resistance Force in Ituri] ("FRPI"), to the International Criminal Court (ICC). Mr Katanga, also known as "Simba", is alleged to have committed six war crimes and three crimes against humanity in the territory of Ituri, in the Democratic Republic of the Congo ("the DRC"). His case arises from the situation in the DRC which has been under investigation by the Office of the Prosecutor of the ICC since 1 July 2002.

Case Between Chile and the European Community Concerning the Conservation of Swordfish Stocks in the South-Eastern Pacific Ocean Chamber Accedes to Parties' Request for Extension of Time-Limits Hamburg

The Special Chamber of the Tribunal constituted to deal with the Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/ European Community) on 30 November 2007 adopted an order further extending the time-limits of the proceedings for one year until 1 January 2009. The case was

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submitted to a Special Chamber of the Tribunal at the request of Chile and the European Community on 19 December 2000. The case raises, *inter alia*, the following issues: whether the European Community has complied with its obligations under the United Nations Convention on the Law of the Sea to ensure the conservation of swordfish in the fishing activities undertaken by vessels flying the flag of its Member States on the high seas adjacent to Chile's exclusive economic zone; whether the Chilean decree which purports to apply Chile's conservation measures to swordfish on the high seas is in breach of the Convention; and whether the "Galapagos Agreement" of 2000 was negotiated in keeping with the provisions of the Convention. By Order of 20 December 2000, the Tribunal constituted the Special Chamber, consisting of Judge P. Chandrasekhara Rao, President of the Chamber, Judges Caminos, Yankov and Wolfrum, and Judge ad hoc Orrego Vicuña.

Bali Meeting on Climate Change

The main focus of the thirteenth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 13) and the third Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 3) was held in Bali, Indonesia, from 3-15 December 2007. The main focus of the meeting was on long-term cooperation and the post-2012 period, when the Kyoto Protocol's first commitment period expires. The items, which were principal subjects of plenary, can be easily categorized under four broad themes-adaptation, mitigation, transfer of technology and the post-Kyoto Protocol scenario. One of the most talked-about outcomes of the Bali Summit was the Parties agreement to text referring to "nationally appropriate mitigation actions by developing country parties in the context of sustainable development, supported by technology and enabled by finance and capacity-building in a measurable, reportable and verifiable manner". The Bali Summit finalized the structure of the Adaptation Fund, which will provide fund to the developing countries to take adequate measures. The summit has constituted the Ad hoc Working Group to decide on the post Kyoto-Protocol legal commitments by 2009.

RECENT ARTICLES

"National Implementation of International Humanitarian Law Biannual Update on National Legislation and Case law, July – December 2006", *International Review of the Red Cross*, vol. 89, no. 865, (2007), pp. 209-220.

Abass, Ademola, "The Competence of the Security Council to Terminate the Jurisdiction of the International Criminal Court", *Texas International Law Journal*, vol. 40, no. 2 (2005), pp. 263-298.

Aginam, Obijiofor, "Food safety, South-North Asymmetries, and the Clash of Regulatory Regimes", *Vanderbilt Journal of Transnational Law*, vol. 40, no. 4 (2007), pp. 1099-1114.

Alam, Shawkat, "Trade Restrictions Pursuant to Multilateral Environmental Agreements: Development Implications for Developing Countries", *Journal of World Trade*, vol. 41, no. 5 (2007), pp. 983-1014.

Alston, Philip, "Remarks on Professor B.S. Chimini's: A Just World under Law: A View from the South", *American University International Law Review*, vol. 22, no. 2 (2006), pp. 221-236.

Aronofsky, David, "The International Legal Responsibility to protect against Genocide, War Crimes and Crimes against Humanity: Why National Sovereignty Does not Preclude Its Exercise", *ILSA Journal of International and Comparative Law*, vol. 13, no. 2 (2007), pp. 317-320.

Beirersdorf, Oliver and Jennifer, A. Guidea,, "Recent Development in Aviation Law", *Journal of Air Law and Commerce*, vol. 72, no. 2 (2007), pp. 207-304

Byron, Christine, "A Blurring of the Boundaries: The Application of International Humanitarian Law Human Rights Bodies", *Virginia Journal of International Law*, vol. 47, no. 4 (2007), pp. 839-896.

Cassese, Antonio, "The Nicaragua and Tadic Tests Revisited in Light of the ICJ Judgment on Genocide in Bosnia", *European Journal of International Law*, vol. 18, no. 4 (2007), pp. 649-668.

Chimni, B. S., "A Just World under Law: A View from the South", *American University International Law Review*, vol. 22, no. 2 (2006), pp.

Das, Kasturi, "GATS 2000 Negotiations and India: Evolution and State of Play", *Journal*

of World Trade, vol. 41, no. 6 (2007), pp. 1185-1236.

Ghimire, Anita, "Enfranchising IDPs in Nepal", *Forced Migration Review*, Issue no. 28 July (2007), pp. 48.

Jeet, Chandra, "International Criminal Justice: Issue and Perspective", *International Studies*, vol. 44, no. 3 (2007), pp. 253-264.

Kleffner, J. K., "From 'Belligerents' to 'Fighters' and Civilians Directly Participating in Hostilities – On the Principle of Distinction in Non-international Armed Conflict One Hundred Years after the Second Hague Peace Conference", *Netherlands International Law Review*, vol. 54, no. 2 (2007), pp. 315-336.

Kulovesi, Kati, "The Private Sector and the Implementation of the Kyoto Protocol: Experiences, Challenges and Prospects", *Review of Europe Community & International Environmental Law*, vol. 16, no. 2 (2007), pp. 145-157.

Kumar, Nagesh, "Emerging TNCs: Trends, Patterns and Determinants of Outward FDI by Indian Enterprises", *Transnational Corporations*, vol. 16, no. 1(2007), pp. 1-26.

Mcdonald, A., "Declarations of War and Belligerent Parties: International Law Governing Hostilities between States and Transnational Terrorist Networks", *Netherlands International Law Review*, vol. 54, no. 2 (2007), pp. 279-314.

Menon, N. R. Madhava, "Training in Legal Education Some Comparative Insights from Indian and American Experience", *Journal of the Indian Law Institute*, vol. 49, no. 3 (2007), pp. 399-408.

Merrills, J. G., "The Mosaic of International Dispute Settlement Procedures: Complementary or Contradictory?", *Netherlands International Law Review*, vol. 54, no. 2 (2007), pp. 361-394.

Pierola, Fernando and Horlick, Gary, "WTO Dispute Settlement and Dispute Settlement in the "North-South" Agreement of the Americas: Considerations for Choice of Forum", *Journal of World Trade*, vol. 41, no. 5 (2007), pp. 885-908.

Roscini, M., "Threats of Armed Forced and Contemporary International Law", *Netherlands International Law Review*, vol. 54, no. 2 (2007), pp. 229-278.

Siegele, Linda and Ward, Halina, "Corporate Social Responsibility: a Step Towards

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Stronger Involvement of Business in MEA Implementation?", *Review of Europe Community & International Environmental Law*, vol. 16, no. 2 (2007), pp. 135-144.

Sinha, Manoj Kumar, Decisions of the International Court of Justice Involving Bosnia and Herzegovina and Serbia and Montenegro", *ISIL Yearbook of International Humanitarian and Refugee Law*, vol. 6, (2006), pp. 126-141.

Tiehaara, Kyla, "Third Party Participation in Investment-Environment Disputes: Recent Developments", *Review of Europe Community & International Environmental Law*, vol. 16, no. 2 (2007), pp. 230-240.

NEW ADDITIONS

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Ahn, Pong-Sul, *Organizing for Decent Work in the Informal Economy: Strategies, Methods and Practices* (ILO, Geneva, 2007).

AITD, *Intermodal Logistics Unlocking Value* (Asian Institute of Transport Development, New Delhi, 2007).

Alam, Shah, *Enforcement of International Human Rights Law by Domestic Courts* (New Warsi Book Cooperations, Dhaka, 2007).

American Law Institute, *Restatement of the Law: Conflict of Laws*, 2nd ed., Vol. 1 – 7 (American Law Institute, Washington, 1971).

Carr, Indira and Kidner, R., *Statutes and Conventions on International Trade Law*, 4th ed., (Covendish Publishing Ltd., London, 2005).

Carr, Indira, *International Trade Law* 3rd ed., (Covendish Publisher, London, 2005).

Chakravarty, Suhash, *Crusader Extraordinary: Krishna Menon and the India League 1932-1936* (India Research Press, ND, 2006).

CNIAM., *Arbitration Rules* (Martijus Nijhoff Publishers, Leiden, 2004).

Harris, D. J., *Case and Materials on International Law*, 6th ed., (Sweet and Maxwell, London, 2004).

ISIL, *Fifth International Conference on International Environmental Law*, 8-9 December 2007, New Delhi, Vol. 1 & 2 (ISIL, New Delhi, 2007).

Lawyers Collective, *Legislating Epidemic: HIV/AIDS in India* (Delhi Universal Law Publishing Co. Pvt. Ltd. Delhi).

Mallikarjun, A. S. Bhagyashree, *Foundation of Political Obligations: For Law and Degree Student*, 2nd ed., (Bhama Prakashan, Bangalore, 2006).

Narain, Jain P., ed., *Aids in Asia: The Challenge Ahead* (WHO & Sage Publications, New Delhi, 2004).

North, P., and Fawcett J. J., *Cheshire and Norths Private International Law*, 13th edn., (Oxford University Press, ND, 2006).

Patel, Bimal N., (ed.), *India and International Law* (Martinus Nijhoff Publishers, Leiden, 2008).

SOSRAC, *Manual for Health Professionals Dealing with Torture Victims* (SOSRAC, New Delhi, 2004).

UNHCR, *Basic International Legal Documents on Refugees*, 6th edn., (UNHCR, New Delhi, 2005).

UNHCR, *The New International Human Rights Treaties* (United Nations, New York, 2007).

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ARTICLES

Development of International Law and South Asia: An Historical Approach

R.P. Anand
An Evolving Security Council
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Environmental Liability Regime in India
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OFFICIAL DOCUMENTS

Report of the Secretary-General of the United Nations on the Work of the Organization, 2007

Report of the Special Rapporteur on the Situation of Human Rights in Myanmar

BOOK REVIEW

Nikolas Sturchler, *The Threat of Force in International Law*

Manoj Kumar Sinha

SELECT ARTICLES AND NEW ACQUISITIONS

New Acquisitions to the ISIL Library from October to December 2007