The Indian Society of International Law

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Freedom of passage through the Strait of Hormuz is a key issue for all maritime nations. The Strait of Hormuz, with a width of 21 nm at its narrowest point, is covered by the territorial seas of Iran and Oman respectively. Any potential disruption, regulatory obstruction, or interdiction of navigation within this maritime corridor carries immediate, direct, and severe implications for global energy security, international trade markets, and international peace and security, turning a localized geographic corridor into a primary arena of global governance.

The governing legal framework central to this geopolitical dynamic is the United Nations Convention on the Law of the Sea (UNCLOS), which functions as the authoritative international legal framework for ocean space governance. Part III of UNCLOS establishes the specific regime of transit passage through straits used for international navigation between one part of the high seas or an exclusive economic zone and another. Under Article 38 of UNCLOS, all surface vessels, submarines, and aircraft enjoy the unimpeded right of continuous and expeditious transit passage, which littoral states cannot hamper, suspend, or condition upon prior notification or authorization. However, the operational application of this legal architecture is deeply complicated by the divergent treaty status of the key state actors involved.

Iran signed UNCLOS but has never ratified it and is therefore not a State Party. It argues that transit passage is a treaty-based right available only to States Parties and that foreign vessels navigating the Strait are therefore subject to the regime of innocent passage. Drawing upon traditional principles of public international law, specifically the doctrine of *pacta tertiis nec nocent nec prosunt* as codified in the Vienna Convention on the Law of Treaties, Iran maintains that treaty provisions cannot create legal rights or obligations for third states without their explicit consent. Under this interpretation, the coastal State retains broader authority to regulate navigation through its territorial sea. Tehran contends that the liberal right of transit passage is a treaty-based contractual creation negotiated exclusively among UNCLOS States Parties. From the Iranian legal perspective, foreign vessels navigating through its territorial waters within the Strait remain subject to the traditional regime of innocent passage, under which the coastal state retains far broader sovereign authority to regulate navigation, enforce domestic security laws, temporarily suspend passage for security imperatives, require submarines to navigate on the surface showing their flag, and exclude foreign overflight entirely without prior explicit consent.

Oman, which borders the southern side of the Strait, is a State Party to UNCLOS and generally accepts the Convention as the governing framework. Although it has adopted interpretative declarations concerning the passage of foreign warships through its territorial sea, its overall approach has been pragmatic, balancing navigational rights with regional stability. In sharp contrast to the Iranian position, the United States, despite remaining a non-party to UNCLOS due to non-ratification, maintains that the navigational freedoms codified within Part III of the Convention reflect pre-existing or crystallized rules of customary international law. Under this view, which is shared by the vast majority of international maritime nations, the right of transit passage through international straits applies universally to all sovereign vessels and aircraft regardless of treaty ratification. This divergence demonstrates that international law does not automatically erase profound political disputes; rather, it provides the formal concepts, normative rules, and structural boundaries within which national sovereignty claims and global access imperatives are contested and managed. The disagreement is therefore not merely political. It reflects fundamentally different views of the legal basis governing one of the world's most strategically important waterways. As the Strait of Hormuz demonstrates, international law does not eliminate disagreement between States; it provides the legal framework within which those disagreements are managed.

From the standpoint of India, a major Indian Ocean power and a rapidly growing national economy, the legal status and physical security of the Strait of Hormuz carry acute strategic significance. India's posture is defined by a firm commitment to international legal principles, absolute dependence on energy security, and an overarching interest in regional stability. As a State Party to UNCLOS, India consistently advocates for a rules-based international maritime order, emphasizing strict adherence to the principles of freedom of navigation, unimpeded lawful commerce, and overflight rights across international waters and critical maritime chokepoints.

Prof. (Dr) Manoj Kumar Sinha
President, ISIL

RECENT DEVELOPMENTS

India and South Korea Maritime Partnership Framework

On April 20 2026, India and the Republic of Korea (ROK) formalized the Vision for Operation of Yard Assisted Growth with Efficiency and Scale (VOYAGES) framework during the State Visit of President Lee Jae-myung to New Delhi. The *Comprehensive Framework for Partnership on Shipbuilding, Shipping and Maritime Logistics* serves as a central pillar of the Joint Strategic Vision for the India-ROK Special Strategic Partnership (2026–2030). This newly adopted framework establishes a structured, state-backed architecture to integrate the maritime ecosystems of both nations, specifically aiming to channel South Korea's world-leading technical expertise into India's domestic maritime sector to support national goals under the *Maritime Amrit Kaal 2047* vision.

The VOYAGES framework targets seven critical pillars of collaboration, including greenfield shipbuilding lusters anchored by HD Korea Shipbuilding & Offshore Engineering (HD KSOE) and the Maritime Development Fund (MDF). Additionally, the partnership facilitates the joint design of next-generation maritime and port cranes through an MOU between BEML and HD Hyundai, promotes human capital development via academic partnerships and KOICA training projects, encourages vessel flagging and maritime finance at GIFT City, and fosters maritime cultural heritage cooperation at the National Maritime Heritage Complex in Lothal. By formalizing these ambitions, both governments provide the regulatory backing and political support necessary to de-risk private sector investments and foster long-term industrial deepening. While the framework represents a significant strategic convergence, its long-term success depends on establishing a dedicated implementation architecture, ensuring sustained political commitment, and successfully transitioning from non-binding MOUs to concrete production relationships. Ultimately, the VOYAGES framework reflects a shared decision to secure resilient trade corridors and formalize maritime supply chains across the Indo-Pacific.

Signing of the India and New Zealand Free Trade Agreement

In a major breakthrough for global trade diplomacy, India and New Zealand officially signed a landmark Free Trade Agreement (FTA) on April 27, 2026. Convened at Bharat Mandapam, the historic pact was signed by India's Union Minister for Commerce and Industry, Mr. Piyush Goyal, and New Zealand's Minister for Trade and Investment, Mr. Todd McClay. The Agreement was negotiated in an accelerated nine-month timeframe, grants 100% duty-free access to all Indian exports entering New Zealand, significantly enhancing market access for key sectors such as textiles, pharmaceuticals and engineering goods.

Beyond goods, the agreement includes a substantial investment commitment from New Zealand of US$ 20 billion over the next 15 years to support India's infrastructure, manufacturing, and renewable energy sectors. To foster people-to-people ties and professional mobility, the FTA introduces streamlined visa pathways, including a guaranteed quota of at least 5,000 temporary employment entry visas for skilled Indian professionals, alongside provisions for student mobility. While the agreement promotes comprehensive trade liberalization, it also incorporates a balanced approach that safeguards India's sensitive agricultural and dairy sectors through exclusions and calibrated tariff structures. By integrating these elements, the FTA is poised to deepen economic cooperation, strengthen Indo-Pacific supply chains, and advance the shared vision of prosperity for both nations.

UNGA Endorses the ICJ Advisory Opinion on Climate Change Obligations

On May 13, 2026, the United Nations General Assembly adopted resolution A/80/L.65, which formally welcomes the unanimous Advisory Opinion of the International Court of Justice (ICJ) regarding the obligations of States in respect of climate change. The resolution was adopted by a recorded vote of 141 in favour to 8 against (Belarus, Iran, Israel, Liberia, the Russian Federation, Saudi Arabia, the United States, and Yemen) with 28 abstentions. The resolution followed the ICJs Advisory Opinion of 23 July 2025, in which the Court clarified that State has a legal duty to protect the climate system under international law, including the Paris Agreement, customary international law and human rights law. The resolution, spearheaded by Vanuatu and a diverse cross-regional Core Group, serves to operationalize the Court's findings. It affirms that States have a stringent "due diligence" obligation to prevent significant harm to the climate system from greenhouse gas emissions and explicitly recognizes that breaches of these obligations constitute internationally wrongful acts, triggering responsibilities such as cessation, non-repetition, and reparation.

By this resolution, the UNGA called upon all States to comply with their respective obligations under international law. It further requested the Secretary-General to submit a report on advancing compliance, and reinforces that climate action is a global legal mandate. The resolution establishes an international process to follow up on the Court's findings, and the experts urged all States to rely on the ICJ's conclusions in upcoming UN climate negotiations, biodiversity and desertification conferences, and ongoing treaty negotiations.

Council of Europe Adopts Chişinău Declaration

On May 15, 2026, the Council of Europe Committee of Ministers at its 135th Session adopted the Chişinău Declaration. The Declaration reaffirms the states parties' commitment to the European Convention on Human Rights (ECHR), their support for the independence of the European Court of Human Rights (ECtHR), and the integrity of the ECHR system. It recalls that states parties have the primary obligation to secure the rights and freedoms defined in the Convention to everyone within their jurisdiction. The Declaration also highlights the importance of subsidiarity and the margin of appreciation. It emphasizes that the ECHR system is subsidiary to national protection of human rights and that national authorities are generally better placed to assess local needs and conditions compared to an international court. Accordingly, the Declaration states that when domestic courts have carried out

the required balancing exercise in line with the ECtHR's case law, the Court will generally not replace their assessment unless there are strong reasons to do so. It gives particular attention to migration-related challenges. It recognizes that states have the sovereign right to control the entry and residence of foreign nationals and to protect their borders, but emphasizes that these powers must still be exercised in accordance with the ECHR. The Declaration also discusses mass arrivals, the instrumentalisation of migration, and possible new approaches to migration management, including cooperation with third countries, third-country processing, return hubs, and cooperation with transit countries. It notes that such approaches must remain consistent with ECHR obligations. Finally, the Declaration encourages more dialogue between ECtHR, states parties, national courts, and other stakeholders. It emphasizes the importance of communication and dialogue for the ECHR system.

Right to Strike Affirmed Under ILO Convention No. 87

On May 21 2026, the International Court of Justice (ICJ) delivered a landmark Advisory Opinion, ruling by a majority of ten votes to four that the right to strike is protected under the International Labour Organization's (ILO) *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*. This decision provides a definitive resolution to a decade-long dispute between international workers' unions and global employers' groups, which had created a significant impasse within the ILO's supervisory machinery.

The ICJ's intervention followed a formal request by the ILO Governing Body in November 2023. While the Court acknowledged that Convention No. 87 does not contain an explicit reference to the right to strike, it held that the absence of such language does not exclude the activity. Reasoning that freedom of association would be effectively incomplete without the ability to engage in collective action, the judges concluded that strike action falls within the "ordinary meaning" of a workers' organization's "activities" when interpreted in light of the treaty's core object and purpose to defend the interests of its members. The decision also highlights the role of the ICJ in clarifying international legal obligations and contributing to the progressive development of international law.

ITLOS Judgment in the *M/T "Heroic Idun" (No. 2) Case (Marshall Islands/Equatorial Guinea)*

On May 27, 2026, Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) delivered its judgment in the *M/T "Heroic Idun" (No. 2) Case (Marshall Islands/Equatorial Guinea)*. The Chamber found that Equatorial Guinea violated the United Nations Convention on the Law of the Sea (UNCLOS) by intercepting and apprehending the Marshall Islands-flagged M/T "Heroic Idun" and its crew in the exclusive economic zone (EEZ) of São Tomé and Príncipe. The dispute arose from the detention of the M/T "Heroic Idun," a Marshall Islands-flagged crude oil tanker. In August 2022, the vessel was near Nigeria's Akpo Offshore Terminal to load crude oil, but left the area after being approached by a Nigerian naval vessel. Nigerian authorities later alleged that the vessel had unlawfully entered Nigerian waters and raised a false piracy alarm, and requested assistance from Equatorial Guinea. On August 12, 2022, while the vessel was in the EEZ of São Tomé and Príncipe, an Equatoguinean naval vessel intercepted it and ordered it to proceed to Luba anchorage in Equatorial Guinea. The vessel and crew were then detained for 92 days, and Equatorial Guinea imposed a fine before transferring the vessel and crew to Nigeria.

The Chamber found that Equatorial Guinea violated the Marshall Islands' freedom of navigation and exclusive flag state jurisdiction under UNCLOS. Although the Chamber recognized the importance of anti-piracy cooperation in the Gulf of Guinea, it held that Article 100 of UNCLOS does not create a separate legal basis to seize a foreign vessel. It also found that Equatorial Guinea did not have adequate grounds to treat the M/T "Heroic Idun" as a suspected pirate ship. The Chamber also held that Equatorial Guinea unlawfully exercised jurisdiction by imposing a fine based on the vessel's alleged entry into Equatorial Guinea's EEZ without authorization and its alleged failure to display a physical flag.

As reparation, the Chamber awarded the Marshall Islands EUR 2,000,132 for the unlawful fine and additional compensation for crew-related costs, loss of hire, repairs, repatriation costs, and non-material damages suffered by the crew.

ILO Adopts Landmark Convention on Gig Workers

At its 114th session in Geneva, on June 12, 2026, the International Labour Conference adopted the *ILO Convention No. 193 Concerning Decent Work in the Platform Economy*. This instrument stands as the first global treaty to establish binding international labour standards aimed at improving working conditions for millions of people who earn their living through digital labour platforms. The new Convention represents a landmark step in global efforts to ensure that technological innovation and new business models go hand in hand with workers' rights, fair competition and sustainable economic growth. The convention addresses long-standing gaps in protection for workers whose jobs are managed through digital labour platforms, including on pay, safety and health, social security, algorithmic management, and correct classification. Recognizing both the opportunities and challenges created by digital labour platforms, the Convention extends rights previously limited to employees, to those outside of an employment relationship, including in areas such as occupational safety and health and employment termination or deactivation.

It also encourages Member States to extend adequate remuneration or payment to all workers, including those who are not in an employment relationship. Furthermore, the Convention addresses issues such as protection against violence and harassment, as well as workers' data protection and privacy. It establishes safeguards for the responsible use of automated systems and algorithms, including requirements for transparency and access to mechanisms for reviewing decisions. The new standard applies to all digital labour platforms and extends key protections to all platform workers, regardless of how their employment status is classified under national law.

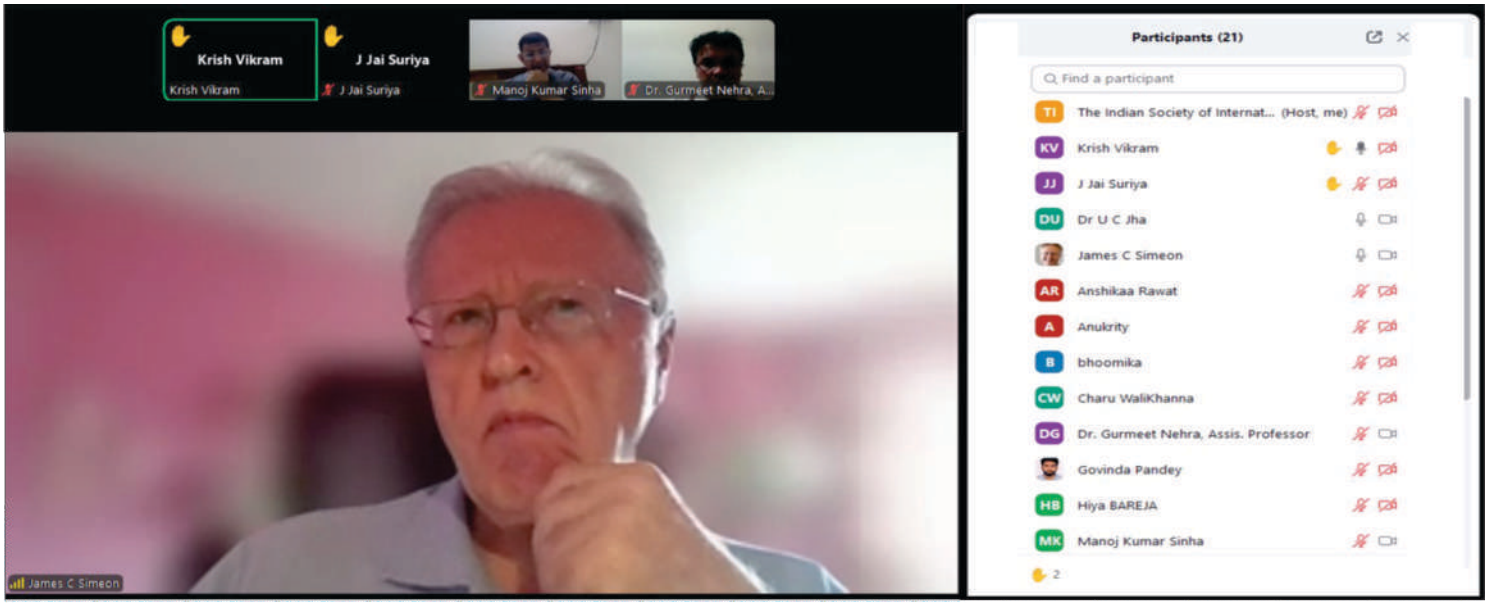
Monthly Seminar on Private International Law

From April 2026 to June 2026, the Indian Society of International Law (ISIL) conducted a series of academic programmes under its Monthly Seminar Series on Private International Law. On 29 April 2026, seminar on the theme International Commercial Arbitration: Malaysian & Singapore Perspectives: With Special Focus on Singapore International Arbitration Centre SIAC was organised in a hybrid mode. The session was chaired by Sr. Advocate Pravin H. Parekh and delivered by Datuk Prof. Sundra Rajoo, Founding President, Asian Institute of Alternative Dispute Resolution and Ms. Shwetha Bhiduri, Director and Head (South Asia) Singapore International Arbitration Centre.

On 29 May 2026, seminar on *Mediation from Indian and International Perspectives: International Mediation, Singapore Convention, and Contemporary Mediation Practice* was conducted. The session began with address by Chair Dr Shikhar Ranjan, EC Member ISIL, and Director, AALCO followed by the talk of Jurist Hannah Tumpel, German Jurist on international perspective of mediation and Advocate Anuja Saxena, Supreme Court of India on Indian perspective.

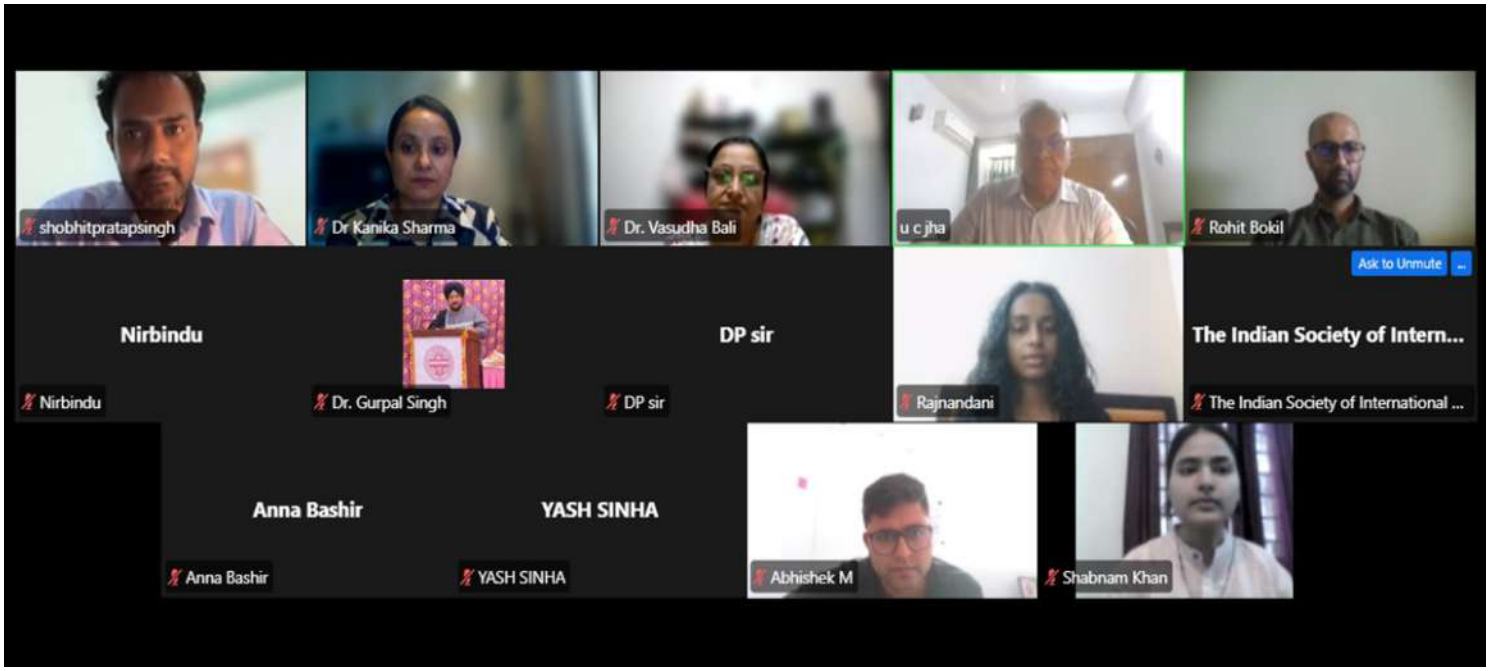
On 24 June 2026, lecture was organised on the theme *India and International Regulatory Aspects of Insurance: Emerging Challenges in Commercial, Maritime and Cross-Border Insurance, with Special Reference to High-Risk Regions including the strait of Hormuz.* The session began with address by Chair, Amb. Narinder Singh followed by the talk of Dr. George E. Thomas, Founder and Managing Partner, Tesseract Research, LLP India. Dr George addressed the Indian & International Insurance Regulatory Framework. The speaker traced the legal evolution from 1856 onwards, highlighting how various laws including the Indian Contract Act, Consumer Protection Act, Motor Vehicles Act, and Maritime Insurance Act, IRDA Act a comprehensive regulatory tapestry. The other speaker Mr. Jason Flanagan, Chief Claims Officer, Australian Reinsurance Pool Corporation shifted focus to practical models, presenting on Public-Private Risk Sharing with a case study of Australian Terrorism and Cyclone Reinsurance Pools. A powerful opening statement "The market alone cannot absorb every risk" set the tone of the discussion. The Australian experience offered critical lessons: the location of risk matters, requiring nuanced assessment; affordability and risk signals must be balanced to avoid moral hazard; and, crucially, risk transfer is not risking reduction insurance provides financial resilience but should not replace mitigation efforts. The speaker warned that such pools often become permanent institutions, and the key lessons for policymakers include ensuring claims readiness, building market resilience, and recognizing the governments' necessary role in risk sharing. The seminar successfully connected everyday life with global geopolitics, demonstrating that insurance is a critical pillar of international trade, national security, and social stability. The insights from both the regulatory overview and the practical Australian model provided invaluable lessons for navigating the future of risk management in an increasingly volatile world.

Special Lecture on Atrocity Crimes



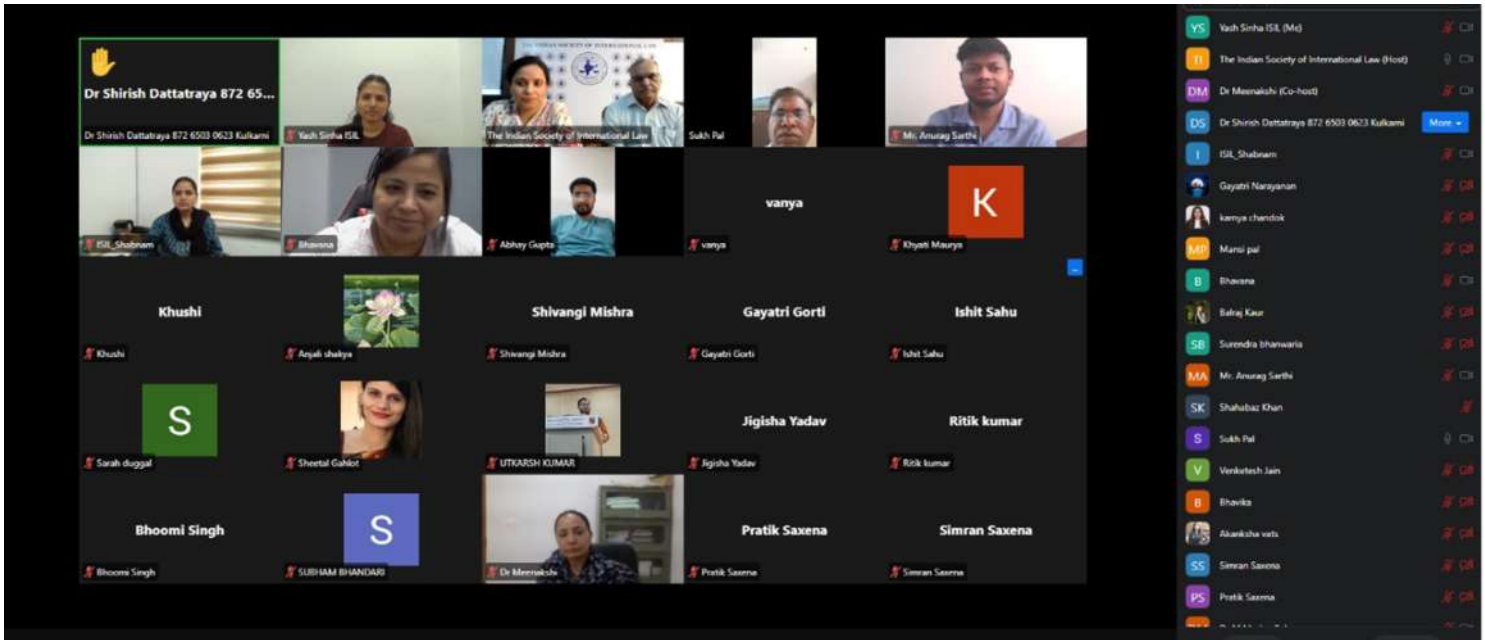
On 27 May 2026, ISIL Organised special talk (Online) on *The Prosecution and Conviction of Those Responsible for 'Atrocity Crimes' in Canada.* The lecture was delivered by Dr. James C. Simeon, Former Head of McLaughlin College at York University.

One Day Seminar on Biological Weapons Convention: Beyond 50 Years



On 30 May 2026, ISIL organized a one-day Seminar on *Biological Weapons Convention: Beyond 50 Years* (Online). The Seminar focused on various themes including historical account and Russian/ American/ British/ German Approaches to Bioweapons; 1925 Geneva Protocol; BTWC Negotiations, Biological Weapons Convention and its Analysis; BTWC Review Conferences; Bio-technological Advancement, Synthetic Biology, Genetic Engineering, AI and Future Bioweapons, Dual-use nature of Life-sciences Innovations; Covid-19-Bioweapon? Bioterrorism, Non-State actors and Biological Weapons; Threat of Bio-weapons in Outer Space; Biological Weapons Convention-strengthening, New Code of Conduct, Verification, A New Protocol and State Responsibility on Protection of Bio-Organism. Papers were presented by the scholars across the country. Dr U C Jha, Secretary General inaugurated the seminar with his remarks on Synbio AI: Biosecurity Threats and International Law, followed by four sessions. Papers were presented by Dr Kanika Sharma; Pavan Kumar Varshney; Yash Sinha; Dr. Anna Bashir; Adv.Yash Bagra; Dr Somabha Bandopadhay; Adv. Ankit Malhotra; Shabnam Khan; Dr. Vasudha Bali; Rajnandani Ghawri; Dr. Niharika; Shobhit Pratap Singh; Abhishek Mohanpuria; Ananya Singhal, Sanchita Anand; Nivyashree M; Shambhavi Gour; Aayurdd Gour; Vibha H V; Poojitha P; Dr Modi Umangkumar Champaklal; Dr. Gurpal Singh; Nirbindu Banerjee; Sagar Pradhan; Dushyant Gurjar.

24th Summer Course on International Law



The ISIL conducted its 24th Summer Course on International Law from 01-12 June 2026. The course was attended by 65 participants including students, professionals, academicians and advocates from all over the country. The course began with the basic understanding of international law covering introduction, sources and development of international law. It also focussed on the specific areas of international law including international air and space law, the law of the sea, international human rights, humanitarian law, refugee law, intellectual property rights, international arbitration, international economic law, environmental law, trade law, private international law and a lecture on career in international law. The lectures were delivered by renowned resource persons having expertise in the respective areas, namely Prof. (Dr.) Manoj Kumar Sinha President, ISIL; Dr. Shikhar Ranjan, Director Asian-African Legal Consultative Organization; Prof. (Dr.) Prabhash Ranjan, Professor and Vice Dean (Research), JGLS; Dr. Luther Rangreji, Former Additional Secretary, L&T- Division , MEA, Govt. of India; Prof. Sridhar Patnaik, Registrar, OP Jindal Global University; Prof. Pierfrancesco Rossi, Associate Professor of International Law, The University of Teramo, Italy; Dr Garima Tiwari, Associate Professor, NLU Delhi; Prof. (Dr.) Rashmi Salpekar, Dean and Head, VIPS, Delhi; Ms. Gunjan Chawla, Legal Adviser, International Committee of the Red Cross; Prof. (Dr.) Abdul Rahim Vijapur Former Professor, AMU, Aligarh; Dr Santosh Kumar Upadhyay Assistant Professor, LC II Delhi University; Mr Uma Shankar Yedla, Joint Secretary, L&T-II Division, MEA, Govt of India; Prof (Dr) Khinvraj Jangid, Professor, Director, Jindal Centre for Israel Studies, OP Jindal Global University; Dr. Aneesh Pillai, Associate Professor, CUSAT, Kochi; Prof T R Subramanya, Dean, School of Legal Studies, CMR University, Bengaluru; Dr Sunil Kumar Agarwal, Advocate on Record and EC Member, ISIL; Dr. Vinai K Singh, Associate Professor, CILS, School of International Studies, JNU; Dr. Archna Negi, Associate Professor, CIPOD, School of International Studies, JNU; Dr Ravindra Pratap; Professor, Faculty of Legal Studies, SAU; Dr. Nidhi Gupta, Associate Professor, NLU Delhi; Prof C Jayraj, EC Member, ISIL; Ms. Anshdeep Kaur, UNHCR Representative; Ms. Sumbul Rizvi, Former Country Representative, Bangladesh, UNHCR; Dr Kumar Abhijeet, Legal Officer L&T-I, MEA, Govt. Of India; Dr SG Sreejith, Professor and Dean, Strategy and Institution-Building, O.P. Jindal Global University; Dr Anna Bashir, Assistant Prof (Sr.), Faculty of Law, University of Kashmir; Prof Anupam Jha, Professor in Charge, LC-II, Delhi University; Dr Parineet Kaur, Assistant Professor, ILI, New Delhi;

37th International Training Programme in Legislative Drafting



The ISIL on 06 April 2026 welcomed 28 foreign delegates from 13 countries for 37th International Training Programme in Legislative Drafting under the Indian Technical and Economic Cooperation Programme organised by the Parliamentary Research and Training Institute for Democracies (PRIDE), Lok Sabha Secretariat. Delegates from Cote d'Ivoire, Ecuador, Guatemala, Hondurus, Maldives, Mangolia, Myanmar, Niger, Nigeria, Sri Lanka, Tanzania, Zambia, Zimbabwe visited ISIL. The Secretary General, Dr U C Jha addressed the participants and interacted with them on the working and role of ISIL in dissemination of international law. Dr Anwar Sadat, Associate Professor, Dr Kanika Sharma, Assistant Professor (Sr.), Ms Shabnam Khan and Ms. Yash Sinha, Research Assistants, ISIL also interacted with the delegates and informed them about the establishment of the centres for advanced studies in Environ-mental Law, IPR and Technology and IHL and Military Law.

Visit of Law Students



On 14 May 2026, 33 students along with 2 teachers of Bimal Chandra College of Law, Kandi, Murshidabad, West Bengal visited ISIL. Dr UC Jha, Secretary General, Dr Anwar Sadat, Dr Kanika Sharma, Ms Shabnam Khan and Ms. Yash Sinha interacted with the students and faculty members and highlighted the importance and role of international law and pursuing international law as career. Students and faculty members were informed in detail about the activities conducted at ISIL and were also encouraged to participate in the activities. Students also visited the library and provided with copy of publications of ISIL.

UPCOMING EVENTS

01 August, 2026 : One Day Seminar on *Artificial Intelligence (AI) and Challenges to the Legal Regime*

03-09 August, 2026 : Seven Days Faculty Development Programme on *International Humanitarian Law*

29 August, 2026 : One Day Seminar on *Re-Imagining International Environmental Law*

05 September, 2026 : 3 Months Certificate Course on *Space Laws: Policies and Practice* (ONLINE - Saturdays only)

Admissions Open for Post Graduate Diploma Courses and Certificate Course 2026