



YEAR IN REVIEW

APRIL '22 - MARCH '23

MAPPING THE RISE OF A NEW GLOBAL ORDER

BY STUDENT MEMBERS OF THE CENTRE
FOR POLICY AND RESEARCH IN
INTERNATIONAL LAW

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BY CPRIL

APRIL 2022

INDO-AUSTRALIAN TRADE DEAL- BEGINNING OF A NEW ERA

On April 2, 2022, the Narendra Modi government signed the historic India-Australia Economic Cooperation and Trade Agreement (“ECTA”) with their Australian counterparts. The bilateral treaty is a huge step towards ensuring deeper trade ties between the two democracies. The agreement came into force on December 20, 2022. India mainly imports raw materials and intermediates from Australia and exports finished goods. Australian coal constitutes almost 70 percent of total exports to India and attracts a 2.5 percent duty. After the agreement comes into force, it will cost less than before. ECTA will allow zero-duty imports of Australian coal, which is a key raw material for the steel sector. According to the Ministry of Commerce and Industry, India’s imports from Australia amount to 17 USD billion, while its exports to Australia amount to 10.5 USD billion. The trade agreement is expected to double the amount in the next five years. The above composition of our bilateral trade is very well reflected in the statements made by Union Commerce and Industry Minister Piyush Goyal during the event held in Mumbai on December 29, 2022.

"There is a lot of potential for exporting finished goods to Australia, since they hardly manufacture anything, they are largely a raw material and intermediate producing country, we will get cheaper raw materials which will not only make us more competitive globally but also enable us to serve Indian Consumers better; enabling us to provide more quality goods at more affordable prices."

Prime Minister Modi tweeted, "The trade deal will further strengthen the India-Australia Comprehensive Economic Partnership." In recent years, India and Australia have been part of several treaties and agreements, both bilaterally and jointly with other nations. Some of them include the Commonwealth nations, the Indian Ocean Rim Association (“IORA”), the ASEAN Regional Forum, the Asia-Pacific Partnership on Climate and Clean Development, the International Solar Alliance, and the QUAD Grouping. The move by the new Anthony Albanese Government of the Labour Party to place before Parliament a deal negotiated by the previous Labour Party government headed by Scott Morrison shows that a consensus has now clearly emerged in Australia for developing strong economic and strategic partnerships with India. Under the agreement, 90 percent of Australian exports by value get zero-duty access to the Indian market. India has offered concessions on tariff lines of export interest to Australia like coking coal and thermal coal, wines, and agricultural products—seven of them with TRQ (cotton, almonds shelled and in shell, Mandarin, oranges, lentils, pear), metals (aluminium, copper, nickel, iron, and steel), and minerals (manganese ore, calcined alumina). The Indian negotiators were successful in excluding dairy products from India’s list, as the dairy sector is one of the most sensitive sectors in India and the livelihoods of a large number of the rural population are dependent on this sector. The issue of including the dairy sector in the agreement has remained a bone of contention between the countries since the discussions began. Labour-intensive industries like leather footwear, textiles, apparel, jewellery and gems, furniture, sports goods, etc. are expected to make the most profits. The agreement is aimed at reducing the two countries dependence over Chinese market.

INTERNATIONAL COURT OF JUSTICE RULES ON NICARAGUA AND COLUMBIA

On April 21, 2022, the International Court of Justice ("ICJ") issued its ruling on the case of Nicaragua v. Colombia. The case involved allegations of violations of sovereign rights and marine areas in the Caribbean Sea. The ICJ found that Colombia violated its international obligation to respect Nicaragua's sovereign rights and jurisdiction by regulating fishing in areas that the ICJ had previously determined to be within Nicaragua's exclusive economic zone following a 2012 decision in a territorial and maritime dispute between the two countries. As a result, the ICJ ordered Colombia to immediately cease its unlawful behaviour.

The case was first filed by Nicaragua in December 2001, invoking the United Nations Convention on the Law of the Sea ("UNCLOS") and the American Treaty on Pacific Settlement of 1948 (also known as the "Pact of Bogota"). Colombia challenged the ICJ's jurisdiction based on the 1928 Treaty signed between Colombia and Nicaragua, which Colombia claimed resolved the question of sovereignty over the islands of San Andrés, Providencia, Santa Catalina, and the maritime features forming part of the San Andrés Archipelago. However, the ICJ partially upheld Colombia's jurisdiction challenge, determining that the Pact of Bogotá gave the ICJ jurisdiction over Nicaragua's maritime and sovereign claims to all regions except the islands of San Andrés, Providencia, and Santa Catalina.

In 2012, the ICJ ruled that Nicaragua had sovereignty over a significant portion of the surrounding seas and the bottom of the western Caribbean. In 2013, Nicaragua brought a fresh lawsuit before the ICJ, alleging that Colombia had broken the terms of the 2012 ruling by continuing to monitor and regulate fishing operations in Nicaragua's exclusive economic zone. Colombia denied the allegations, stating that there had been no infringement of the 2012 decision governing the marine limits in the western Caribbean.



Firstly, the Court found that Colombia had infringed on Nicaragua's sovereign rights by (1) interfering with Nicaraguan naval vessels' fishing and marine scientific research operations, (2) approving fishing activities in the EEZ, and (3) claiming to enforce conservation measures there. As a result, the ICJ ordered Colombia to stop its improper behaviour right away. The Court did rule, however, that Colombia was still allowed to monitor the territory in order to combat drug trafficking and international crime.

Secondly, the ICJ found that two of Colombia's four counterclaims were admissible. The first of these two counterclaims, however, was rejected on the grounds that the San Andrés Archipelago's residents did not have access to artisanal fishing rights in the waters that were now part of Nicaragua's EEZ and that, as a result, no such rights had been violated. Colombia's second counterclaim was granted by the ICJ, which determined that Nicaragua's baselines for defining its territorial seas following the 2012 decision did not adhere to customary international law. The International Court of Justice had roughly defined the maritime border between Nicaragua and Colombia because Nicaragua's baselines were still up for debate at the time of the 2012 ruling.

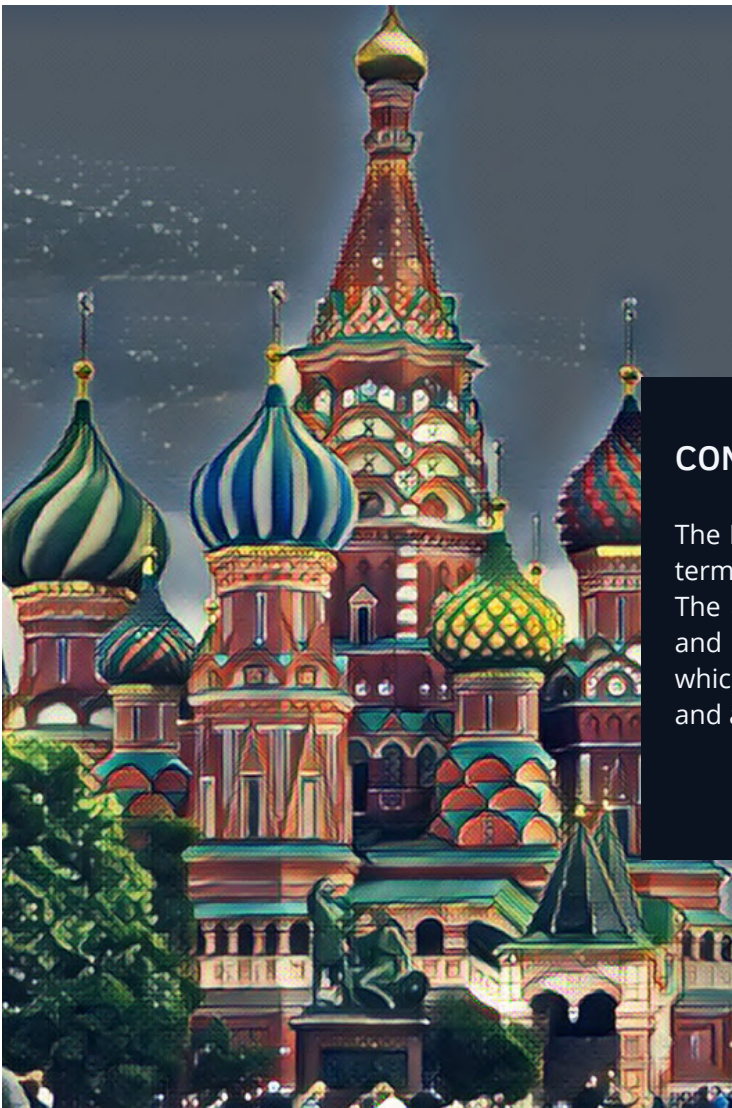
UN: A STEP TOWARDS ACCOUNTABILITY

On April 26, 2022, the United Nations General Assembly adopted landmark resolution 12417 on the use of veto power by the five permanent members of the Security Council. While the resolution was supported by three permanent members, i.e., the United States, France, and the United Kingdom, it was condemned by China and the Russian Federation, the other two members. The resolution comes in the wake of the use of the veto by the Russian Federation against the resolution adopted by the UN General Assembly calling on Russia to immediately and unconditionally withdraw from Ukraine. The text titled "Standing mandate for a General Assembly debate when a veto is cast in the Security Council" was introduced by Lichtenstein and cosponsored by 83 nations. The resolution essentially holds that a General Assembly meeting will have to be convened within 10 days of a permanent member exercising the veto power. Also, a report detailing the reasons for taking a veto decision has to be submitted to the General Assembly by the member at least 72 hours before the meeting.



In recent years, the United Nations has come under heavy attack for lacking a proper mechanism to hold the permanent members of the Security Council accountable for their decisions. It has been argued that due to the use of this veto power, the members essentially obstruct the council from performing its function if they perceive any threat to their national interests. This power of veto was given to these members due to their valuable contribution to the formation of the United Nations. Speaking on the occasion, the representative of the Russian Federation said that the use of the veto is not the problem.

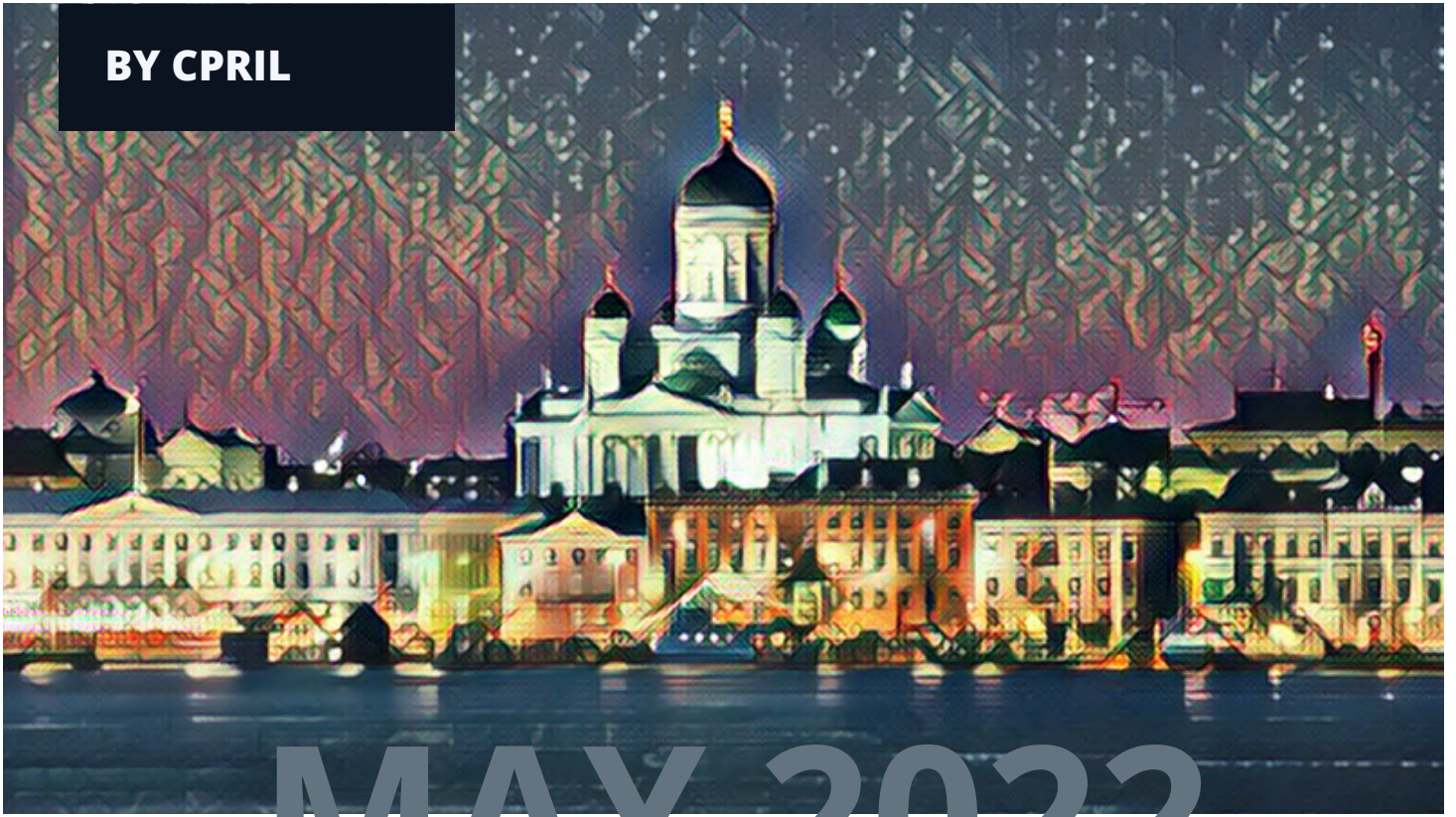
The problem was that some Council members were not willing to compromise their positions in any circumstance, thus compelling the other member to use the veto as a last resort. To rebut this stance, the United States delegate said that Russia vetoed a resolution condemning its own aggression against Ukraine. In short, Moscow egregiously violated the charter and then blocked the Council's effort to address the situation. The veto was not intended as a carte blanche for impunity or to confer automatic protection from accountability in perpetuity. *fugiat nulla pariatur.*



COMMENT

The Lichtenstein ambassador, while describing the resolution, termed it an attempt on their part towards multilateralism. The adopted text stands as a "Straightforward, legally sound and politically meaningful" resolution, the ambassador said, which will shine a light on the use of the veto moving forward, and allow input from all member states.

BY CPRIL



MAY 2022

FINLAND AND SWEDEN APPLY TO JOIN NATO

NATO was created in 1949 by 12 countries, including the United States, the United Kingdom, Canada, and France, to provide collective security against the Soviet Union. NATO membership requires countries to commit to the principle of collective defense. The countries that are part of NATO are bound together by this principle and must protect each other if one ally is attacked. Russia has always been against NATO, believing that the alliance is a threat to its security. Russia has also opposed Ukraine's, Finland's, and Sweden's entry into NATO, stating that such actions would have serious military and political consequences.

According to recent updates, both Finland and Sweden have officially applied to join NATO on June 10, 2022. This marks a significant development in the ongoing tensions between Russia and NATO. While Finland has already received approval from all 30 NATO member countries, Sweden's bid to enter the alliance still faces some roadblocks. The two countries, Finland and Sweden, have traditionally maintained a policy of neutrality and avoided military alliances. However, this changed when the Russia-Ukraine war broke out in February 2022. The conflict has caused Finland and Sweden to feel vulnerable due to their proximity to Russia, and the actions of Vladimir Putin have shattered the sense of stability in the region.

Finland shares a border of 1,340 km with Russia, while Sweden has a major presence along the coast of the Baltic Sea. This has made both countries susceptible to Russian aggression, especially given the recent airspace violations by Russian military aircraft in Sweden. For Finland, the events in Ukraine brought back memories of the Soviet invasion in 1939, which led to the loss of 10% of their territory. As a result of the war, there has been a drastic change in the attitudes of the local populations towards NATO. In Sweden, the number of people in favor of joining NATO rose from 28% in April 2014 to 41% in February 2022 and then to 64% in July 2022. Similarly, in Finland, the percentage of people in favor of joining NATO rose from 24% in October 2021 to 76% in May 2022. Both countries have been invited to join NATO, with Finland having received approval from all 30 members, while Sweden's bid is still facing roadblocks.

Membership in NATO would provide both countries with security cover from Russia, and bolster the alliance's eastern flank and collective defenses in northern Europe. For NATO, Finnish and Swedish membership would mean a significant expansion of the alliance's presence in the Baltic Sea and the Arctic Circle, and would bring all Arctic states, except Russia, into the alliance. However, the decision to join NATO is bound to anger Russia and increase tensions in the region. It remains to be seen how the dynamics of the alliance and the region will change with the inclusion of Finland and Sweden. Nonetheless, the approval of Finland's membership marks a significant milestone in the country's history and the security of the North Atlantic region, and reflects the perceived threat that Russia poses to these countries and their desire to ensure their security and stability. If Sweden is also admitted to NATO, it would strengthen the alliance's eastern flank and collective defense in northern Europe, stretching the NATO border with Russia by over 800 miles. It would also vastly expand NATO's presence in the Baltic Sea and the Arctic Circle, and allow the alliance to pursue a more coherent strategy in the region.



BY CPRIL

JUNE 2022

WTO DEAL PACKAGE 2022

The World Trade Organisation held its first ministerial conference in nearly five years from June 12 to 17, 2022, following COVID-19 postponements. The conference was co-hosted by Kazakhstan and chaired by Timur Suleimenov, the First Deputy Chief of Staff of the Kazakh President. This was the 12th Ministerial Conference, and the 164 members of the WTO were able to reach a consensus and agree on a comprehensive deal package that aimed to address a range of issues related to international trade. This deal package, also known as the "Geneva Package," was seen as a significant achievement given the challenges that had faced the WTO in recent years, including rising protectionism, increasing economic nationalism, and a lack of progress on multilateral trade negotiations. The package was designed to promote greater trade liberalisation, improve market access for developing countries, and strengthen the rules-based trading system. It contains a series of unprecedented decisions on fisheries subsidies, and WTO responses to emergencies, including a waiver of certain requirements concerning compulsory licensing for COVID-19 vaccines, food safety, agriculture, and WTO reform.

One of the key components of the deal package was an agreement on agricultural subsidies. WTO members agreed to limit the number of subsidies that they provide to their farmers, which had been a contentious issue in previous negotiations. The agreement was seen as a major breakthrough, as agricultural subsidies have been a major source of tension between developed and developing countries. The deal also included provisions for technical assistance and capacity-building for developing countries to help them comply with the new rules. Another important aspect of the deal package was the agreement on services. WTO members agreed to liberalise trade in services, including financial services, telecommunications, and transportation. This was seen as a significant achievement, as services account for a growing share of global trade, and liberalisation in this area has the potential to generate significant economic benefits. The deal package also included measures to protect intellectual property rights. WTO members agreed to strengthen the protection of patents, trademarks, and copyrights, which are critical to promoting innovation and creativity. The agreement also included provisions to ensure that developing countries have access to affordable medicines, which had been a major source of contention in previous negotiations.

The WTO deal package was widely welcomed by governments, businesses, and civil society organizations around the world. Many saw it as a much-needed boost for the global economy, which had been struggling in the aftermath of the COVID-19 pandemic. The deal was also seen as a significant achievement for the WTO, which had been criticised in recent years for its inability to make progress on multilateral trade negotiations. However, some critics argued that the deal package did not go far enough in addressing some of the key challenges facing the global trading system. For example, some argued that the agreement on agricultural subsidies did not go far enough in limiting the amount of subsidies that developed countries can provide to their farmers. Others argued that the agreement on intellectual property rights did not do enough to address concerns about access to affordable medicines in developing countries.

Despite these criticisms, the WTO deal package was seen as a significant achievement and a sign that multilateral trade negotiations can still produce meaningful results. The deal was also seen as a reminder of the importance of the WTO in promoting a rules-based trading system and the need for continued efforts to strengthen this system in the years to come.

BY CPRIL

BY ALFREDO TORRES
PHOTO BY LORNA ALVARADO

**I'M NOT YOUR
SLAVE**

JULY 2022

UK SUPREME COURT - NO DIPLOMATIC IMMUNITY ON MODERN SLAVERY

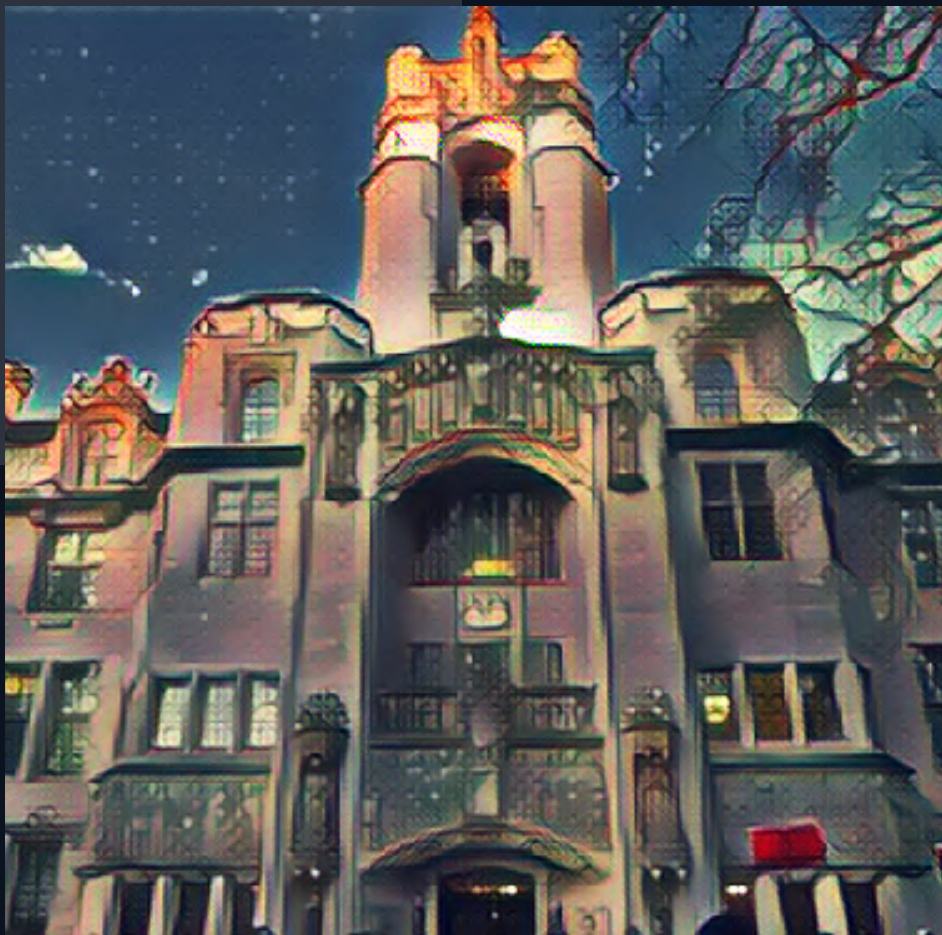
A five-judge bench of the Supreme Court of the United Kingdom has provided a landmark ruling (*Basfar v Wong* [2022] UKSC 20) on the ambit of the immunity accorded to foreign diplomats. In the case before the court, the plaintiff was employed as a housemaid in the private residence of a Saudi-Arabian diplomat in 2015 under an employment contract. The contractual terms of the employment entitled the plaintiff to one day of holiday per week and one month of holiday per year in lieu of eight hours of work per day.

The plaintiff alleged that she was forced to work for the family beyond the agreed time period every day. No holidays were given to her, and she was not allowed to go outside the house except to remove the house trash. She was not allowed to freely talk to her family. She was constantly subjected to verbal abuse and psychological torture, as evidenced by the fact that she was forced to wear a doorbell to be at the family's beck and call at all times. She was also forced to eat the leftover food from the diplomat's family. She was not paid the wages she was entitled to under the contract. She escaped from the residence in 2018, after which the current suit was brought before an employment tribunal. The counsel for the plaintiff contended that the mistreatment amounted to "trafficking in persons" as provided under the Palermo Protocol. The counsel for the defendants contended that the diplomatic immunity accorded under the Vienna Convention on Diplomatic Relations, (1961) restrained the court from questioning the actions of the Respondent.

Further, the actions alleged, even if true, did not constitute a case of trafficking. The Supreme Court had also allowed two non-parties to make written submissions: a migrant charity organisation named Kalayaan and the United Nations Special Rapporteur on Trafficking in Persons Especially Women and Children. They contended that the actions of the respondent constituted a human rights violation of the plaintiff's rights protected under domestic and international laws and conventions.

The task of the court was only to clarify the questions of law without going into the questions of fact. Article 31 of the VCDR provides immunity from the civil, criminal, and administrative jurisdiction of the receiving state. However, any action relating to any "commercial or professional activity" is not covered by immunity (Article 31 (1) (c)). The question before the court was whether the alleged actions of the defendant could be considered to be related to "commercial or professional activity". Therefore, could hiring domestic help be considered a commercial/professional activity within the meaning of VCDR?

The majority judgment was given by Lord Briggs, Lord Beggat, and Lord Stephens. The court began by distinguishing between the diplomatic immunity provided for performing a state function and the personal protection provided to the diplomat and their family in the receiving state. It was held that the personal protection provided to the diplomat only includes "activity incidental to (the) ordinary conduct of life". The hiring of domestic help services is an activity incidental to the ordinary conduct of the diplomat's life and is therefore immune from the civil jurisdiction of the receiving state.



The Court then explained why the defendant's alleged actions are still not protected from civil jurisdiction. Firstly, any activity exercised for personal profit is precluded from diplomatic immunity under Article 42 of the VCDR. Personal profits include profits in kind; for instance, personal benefits received from unpaid forced labour. Secondly, the ordinary hiring of domestic help is incomparable to the keeping of domestic help under conditions of modern slavery. This is because keeping domestic help under conditions of modern slavery is not incidental to the ordinary conduct of a diplomat's life. It is pertinent to note that the court did not rely on human rights arguments to arrive at this conclusion.

The court then went on to define the conditions for 'modern slavery'. The court relied on the customary rules of interpretation provided under Articles 31–33 of the Vienna Convention on the Law of Treaties ("VCLT") to arrive at a definition. It was held that the rate of remuneration is irrelevant for purposes of ascertaining the condition of slavery. The court held that conditions of modern slavery would include a restriction on the victim's right to freedom of movement, control over the victim's belongings, and a lack of informed consent. The conditions of modern slavery were being fulfilled in the current case. The court refused to differentiate between the different forms of modern slavery, such as servitude, forced labour, and trafficking. It was held that the alleged actions, if proven true, would clearly constitute a case of the plaintiff's trafficking. Therefore, the claim brought by the plaintiff will fall within the exception of diplomatic immunity under Article 31 (1) (c) of the VCDR.

ICJ- GAMBIA V. MYANMAR

Gambia filed a case against Myanmar in the International Court of Justice in November 2019, accusing Myanmar of violating the Genocide Convention by carrying out a campaign of mass killings, rape, and other atrocities against the Rohingya Muslim minority.

Myanmar had raised four preliminary objections, all of which were rejected by the Court in 2022. Firstly, whether Gambia is the "real applicant" in the case because Myanmar considered it to be a mere "proxy" of the Organization of Islamic Cooperation, which lacks jurisdiction in ICJ. The Court decided that support from any intergovernmental organisation in instituting proceedings does not disqualify any State from its status as an applicant as its judgment is "of a legal character" and therefore, the motivation to sue is irrelevant.

Secondly, Myanmar stated that Gambia lacked standing in the case as only "injured states" have such standing. Gambia has not been "adversely affected by an internationally wrongful act." The Court mentioned that all the States which are parties to the Convention are, by default, interested parties to ensure the prevention, suppression and punishment of genocide. These obligations are erga omnes partes. A special interest is not needed. The Court, therefore, held that Gambia has standing to invoke responsibility of Myanmar for alleged breaches of its obligations under Articles I, III, IV and V of the Convention. Thirdly, the Court dismissed Myanmar's reservation to Article VIII of Genocide Convention as irrelevant. The Court stated that the ordinary meaning of the phrase "competent organs of the UN" in Article VIII could appear to encompass the Court.



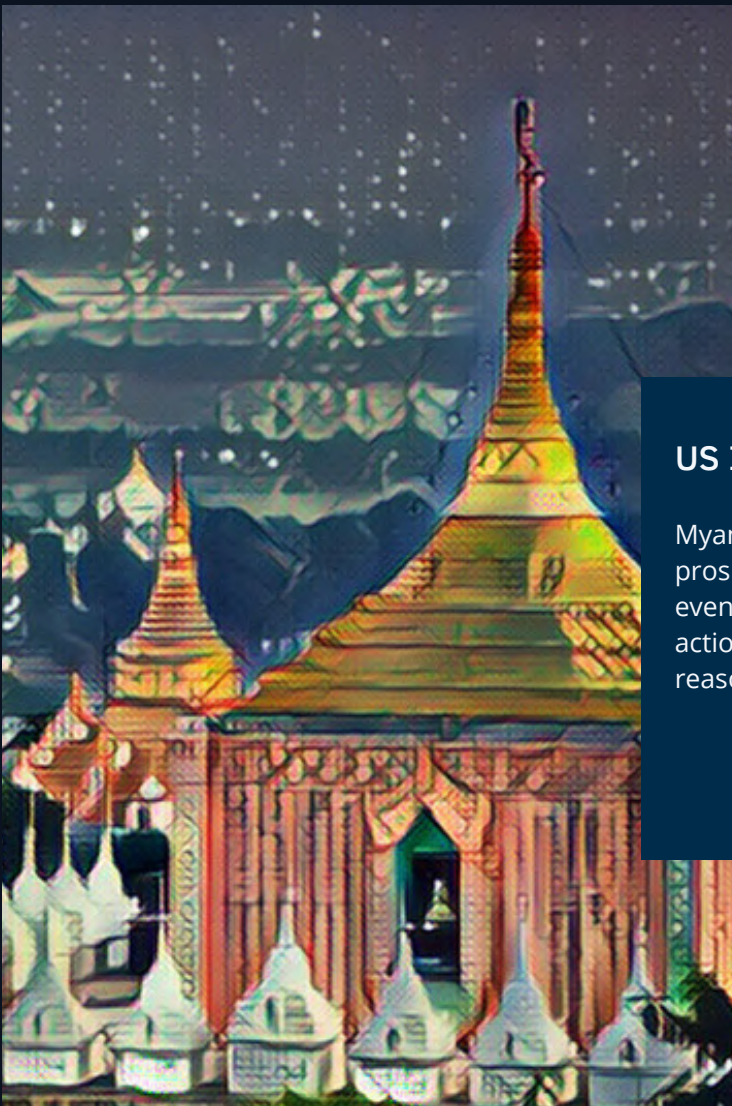
Lastly, the “existence of dispute” was called into question. Myanmar stated two requirements to be fulfilled for a dispute to exist.

a) The claim must be made with particularity to make the Respondent aware of the facts, i.e., to include expressly which provision or norm of international law has been violated. It should be a legal one instead of political rhetoric.

b) At the time of filing the dispute, there must be a “mutual awareness” of the parties’ opposing views, i.e., there should be a favourable opposition of the idea of one by the other.

Myanmar claimed that Gambia’s application had not met these two criteria to be able to invoke Article IX of the Convention.

The Court decided that there need not be an express opposition to the claims by the Respondent as that would result in the prevention of a dispute by a respondent if it deliberately stays silent in the case. It recognised some statements made by the parties in the UN General Assembly after the Fact-Finding Mission’s report, along with the Note Verbale sent by Gambia to the Permanent Mission of Myanmar to the UN. It said that these were sufficient to provide particularity on the matter as a specific reference to the Convention and its provisions is not required here. Moreover, the requirement of “mutual awareness has no basis in law.



US INSTITUTE OF PEACE

Myanmar’s military leaders have long been haunted by the prospect that one day they may lose the power to control events and be brought before a court to account for their actions, and those of their subordinates. They have had good reason to be concerned.

UN RESOLUTION – ACCESS TO CLEAN HEALTHY AND ENVIRONMENT

In July 2022, the United Nations ("UN") made a historic declaration by adopting a resolution that recognises access to a clean, healthy environment as a universal human right. The resolution revolving around the human right to access to a clean, healthy, and sustainable environment marks a significant milestone in global efforts to protect the environment, promote sustainability, and safeguard the fundamental rights of all individuals.

The UN resolution originally presented by Costa Rica, the Maldives, Morocco, Slovenia and Switzerland last June, and now co-sponsored by over 100 countries recognizes that every person has the right to live in an environment that is clean, healthy, safe, and sustainable. It emphasizes that this right is interconnected with other human rights, such as the right to life, health, food, water, and culture, and that it is essential for the enjoyment of a life with dignity. The resolution further acknowledges the critical role of a healthy environment in achieving the United Nations' Sustainable Development Goals ("SDGs") and addressing the three main interlinked environmental threats, or triple planetary crises: climate change, pollution, and biodiversity loss. The declaration, which was adopted by more than 160 UN member countries, including India, with Russia, Iran, and six others abstaining, is not legally binding. Nonetheless, it will encourage governments to include the right to a healthy environment in their national constitutions and regional treaties.

This landmark decision by the UN has significant implications for human rights, environmental protection, and sustainability. Here are some important points that highlight the importance of this resolution:



- 1. Recognition of a universal human right:** The recognition of access to a clean, healthy environment as a universal human right reaffirms the fundamental importance of the environment in the lives of all individuals. It acknowledges that everyone, regardless of their nationality, ethnicity, gender, or socioeconomic status, has the right to live in a healthy environment that supports their well-being and sustains their livelihoods.
- 2. Interconnectedness of human rights and the environment:** The resolution recognises that access to a clean, healthy environment is interconnected with other human rights, such as the right to life, health, food, water, and culture. It underscores the intrinsic link between the environment and human rights, highlighting that the enjoyment of human rights is dependent on the health and sustainability of the environment in which people live.
- 3. Commitment to sustainability and the SDGs:** The resolution emphasises the importance of a healthy environment in achieving the SDGs, which are a set of global goals aimed at ending poverty, protecting the planet, and promoting prosperity for all.

- It underscores the need to integrate environmental considerations into development policies and practises to ensure that economic, social, and environmental sustainability go hand in hand.
- 4. Addressing global challenges:** The resolution acknowledges that access to a clean, healthy environment is essential in addressing global challenges such as climate change, pollution, and biodiversity loss. It recognises that a healthy environment is a prerequisite for the long-term well-being of present and future generations and that concerted efforts are needed to protect and restore the environment for the benefit of all.
- 5. Impetus for action:** The adoption of this resolution provides a strong impetus for action at the global, national, and local levels to protect and promote access to a clean, healthy environment. It calls for greater efforts in policymaking, law enforcement, and advocacy to ensure that the right to a healthy environment is upheld and that environmental protection and sustainability are integrated into all aspects of human development.

BY CPRIL



AUGUST 2022

ROHINGYA REPORT BY COMMISSION OF JUSTICE AND ACCOUNTABILITY

The Commission for International Justice and Accountability ("CIJA") issued a long-awaited report in August 2022, revealing additional evidence of the Rohingya genocide in Myanmar. The report titled "Investigation into Crimes Against Minorities in Myanmar" lays emphasis on crimes committed against Myanmar's Rohingya ethnic minority and highlights the critical need for justice and responsibility.

The Rohingya, a predominantly Muslim minority community in Myanmar's Rakhine State, have faced decades of discrimination, violence, and persecution at the hands of the Myanmar military and other extremist groups. In August 2017, the situation deteriorated into a full-fledged humanitarian crisis, with security forces engaging in a brutal campaign of violence that included killings, rapes, torture, and village burnings (around 700). The international community labelled the effort ethnic cleansing, which resulted in the displacement of nearly 700,000 Rohingya people who fled to neighbouring Bangladesh and left thousands dead.

The CIJA report contains new information that confirms the widespread and systematic nature of the atrocities committed against the Rohingya. The report includes victim and witness testimonials, as well as documents and satellite photos that detail the atrocities perpetrated, such as mass killings, sexual violence, and forced displacement. The evidence indicates that the crimes were committed by the highest echelons of the Burmese military and administration as part of a purposeful and coordinated effort to exterminate the Rohingya community.

The report also highlights Myanmar's government and military's unwillingness to make substantial efforts towards justice and accountability. Despite worldwide condemnation and calls for accountability from the international community, Myanmar has taken very limited steps to hold those responsible for atrocities against the Rohingya accountable. This lack of accountability has resulted in a culture of impunity, in which abusers continue to operate freely while victims are denied justice and recompense.

The CIJA study is an important reminder of the necessity of justice and accountability in dealing with grave human rights violations and preventing future atrocities. It emphasises Myanmar's urgent need to take fast and meaningful steps towards accountability, such as conducting impartial investigations, prosecuting those guilty of crimes, and compensating victims. It also emphasises the international community's responsibility to guarantee that justice is served for the Rohingya, particularly by establishing an independent and impartial international system to investigate and prosecute those guilty of the crimes.

The majority judgment was given by Lord Briggs, Lord Beggat, and Lord Stephens. The court began by distinguishing between the diplomatic immunity provided for performing a state function and the personal protection provided to the diplomat and their family in the receiving state. It was held that the personal protection provided to the diplomat only includes "activity incidental to (the) ordinary conduct of life". The hiring of domestic help services is an activity incidental to the ordinary conduct of the diplomat's life and is therefore immune from the civil jurisdiction of the receiving state.



The CIJA report also highlights the importance of the international community maintaining diplomatic, political, and economic pressure on Myanmar in order to secure accountability. This includes implementing targeted sanctions on those guilty of crimes against the Rohingya as well as supporting efforts to bring the issue before the International Criminal Court (“ICC”) or other international justice bodies.

The report was also sent to the International Criminal Court (ICC) for assessment. While Myanmar is not an official member of the International Criminal Court, many Rohingya refugees have fled to Bangladesh, which may grant the ICC jurisdiction since Bangladesh is a member.

In conclusion, the CIJA report on the genocide against the Rohingya in Myanmar is a major and timely addition to the ongoing efforts to attain justice and accountability for the victims of these heinous crimes. It presents overwhelming proof of the widespread and systematic nature of atrocities committed against the Rohingya, emphasising Myanmar's urgent need to take serious measures towards accountability.

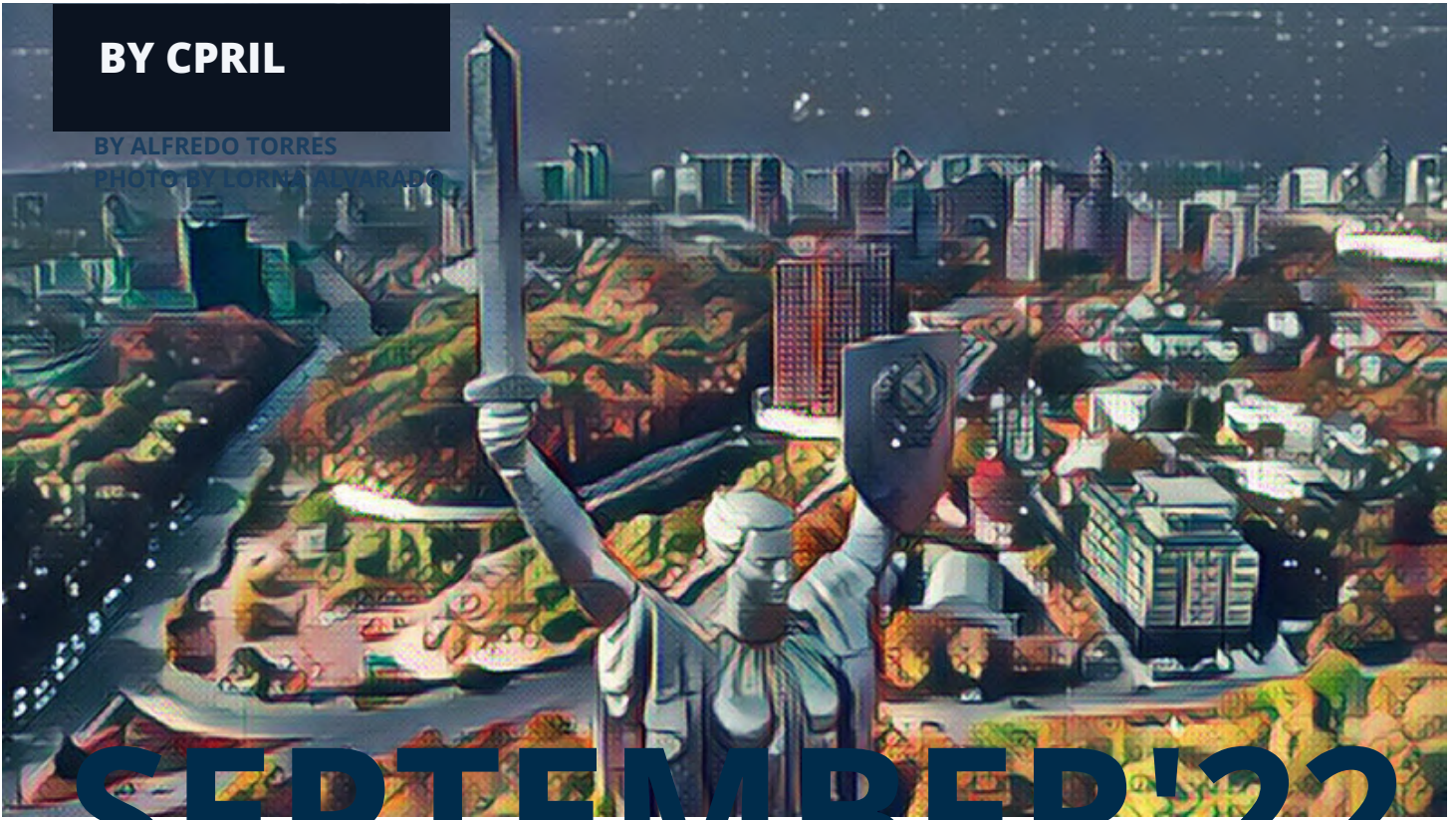
The study also emphasises the international community's responsibility to guarantee that justice is delivered and to strive towards resolving the core causes of prejudice and violence against minority communities. Only by making concerted attempts to attain justice and responsibility can we hope to avoid similar tragedies in the future, and this study serves as a reminder of that



BY CPRIL

BY ALFREDO TORRES

PHOTO BY LORNA ALVARADO



SEPTEMBER '22

RUSSIA IS NO LONGER A PARTY TO ECHR

The lower house of the Russian Parliament, the Duma, passed two bills on June 7, 2022, effecting the country's withdrawal from the European Court of Human Rights (ECHR). The ECHR is an institution of the Council of Europe, which Russia joined in 1996, and is responsible for enforcing the European Convention on Human Rights, a treaty that guarantees basic rights and freedoms to all people in its 47 member states.

The move came half a year after Russia was expelled from the Council of Europe owing to the Russian invasion of Ukraine. The 31st of March 2022 was kept as the cut-off date, meaning that any ruling given by the court after that date will not be binding on Russia. Albeit the international backlash following the withdrawal, it seems that the move was widely popular among the Russian legislators, as only one deputy of the Communist Party voted against the two bills. The Russian government said that it was leaving the ECHR because of its "politicised" and "biased" judgements, which often contradicted Russia's national interests and sovereignty. The government also accused the ECHR of interfering in Russia's internal affairs and imposing sanctions on Russian officials and entities. The government said that it would continue to respect the rights and freedoms of its citizens but would rely on its own judicial system and constitution.

The decision to leave the ECHR comes after years of tensions between Russia and the court, which has issued more than 2,000 rulings against Russia since 1998, more than any other member state. The ECHR has found Russia guilty of violating various rights, such as the right to life, the right to a fair trial, the right to freedom of expression, and the right to privacy. Some of the most notable cases involved the rights of political opponents, journalists, activists, LGBT+ people, ethnic minorities, and victims of human rights abuses in Chechnya and Crimea.

This move by the Putin regime closes one of the last doors available to Russian and foreign citizens for relief against the actions of the government and will have serious consequences for the protection of human rights in Russia and beyond. It will deprive millions of Russians of an effective remedy for their grievances and a way to hold their government accountable. It will also undermine the authority and legitimacy of the ECHR, which relies on the voluntary cooperation and compliance of its member states. Moreover, it will send a negative signal to other countries that may be tempted to follow Russia's example and disregard their international obligations. The ECHR has been a shield in the past for dissenters and opponents of the government against any possible persecution from the Putin regime, including Alexei Navalny, the leading opposition figure in Russia, whom the court ruled should be released from jail in February 2021.

The international community has expressed its concern and regret over Russia's decision and has urged the country to reconsider its stance. The Council of Europe's Secretary General said that Russia's withdrawal was "a major setback for human rights protection in Europe". The European Union's High Representative said that Russia's move was "a blow to the European legal order". The United Nations High Commissioner for Human Rights said that Russia's departure was "a loss for all who believe in justice and the rule of law".

ACEKWC'S DECISION ON TANZANIA'S POLICY OF EXPULSION OF PREGNANT SCHOOLGIRLS

The World Bank estimates that more than 120,000 girls drop out of school annually in Tanzania, 6,500 of whom are either pregnant or have children. The latter is a result of Tanzania's regressive policy of forcing pregnant girls out of the formal public education system, through measures such as mandatory pregnancy testing, restriction on re-admission post-childbirth, and illegal detention of pregnant girls, among others, making Tanzania one of the few countries in Africa that expels girls from public schools on the ground of pregnancy. However, a promising development on the issue took place in September last year.

On September 15, 2022, the African Committee of Experts on the Rights and Welfare of the Child ("the Committee") issued a landmark decision in the case brought by the Legal and Human Rights Centre for Reproductive Rights against the state of Tanzania on behalf of Tanzanian girls.

The Committee held the policy as violative of the African Charter on the Rights and Welfare of the Child, 1999. The Committee is a regional quasi-judicial organ of the African Union established to implement and interpret the charter and promote child rights.

The issue pertained to Tanzania's discriminatory policy of expelling pregnant girls from public schools. The centre had filed the case before the committee in June 2019 representing six adolescent girls who were expelled from school under the policy at issue and made a submission on behalf of all girls in Tanzania. In November 2021, Tanzania's Minister of Education announced that the country would end its discriminatory policy through a circular removing pregnancy and motherhood as grounds for expulsion from public schools.



With one of the world's highest teen pregnancy rates, about 27% of girls aged 15-19 are pregnant in Tanzania, according to the United Nations. This is due to widespread sexual abuse and poverty, which force many girls to exchange sex for school fees, food, and shelter. The ban disproportionately affected girls from impoverished families since the expulsion only left them with private or vocational training schools, denying them access to education and keeping them trapped in a vicious cycle of poverty. This often resulted in exposing them to human rights violations including forced adolescent marriage, female genital mutilation, and sexual exploitation.

The Committee held that the State's policies and practices were in violation of its obligations under the Charter including "non-discrimination", "best interests of the child", "protection of privacy", education, "health and health services", "protection against child abuse and torture, and protection against harmful social and cultural practices.

It issued fourteen point recommendation, which includes, prohibition of mandatory pregnancy testing, removal of wedlock as a ground of expulsion, removal of the policy of

re-entry of schoolgirls, immediate re-admission of expelled schoolgirls, immediate release of detained pregnant girls and elimination of such kinds of illegal arrests, provision for child-friendly sexual reproductive and health services, conducive reporting, and referral mechanisms for survivors of sexual violence, among others.

Although being a quasi-judicial body, the committee's decisions are not legally binding and thus lack an effective mechanism for their implementation, the pronouncement still holds great significance in the promotion of human rights and the elimination of discriminatory practises in Tanzania. The government has already expressed its willingness to introduce reforms to its policies through the 2021 circular. However, apart from this, all 49 countries that have ratified the Charter would also be subject to the interpretation of the decision. This paves the way for future reforms across the continent.



BY CPRIL

OCTOBER 2022

RUSSIA - LAW TO ANNEX PARTS OF UKRAINE

Concerns have been raised in Ukraine and among its allies about the recent move by Russian lawmakers to contemplate a measure that would allow the country to annex any territory that shares a border with Russia and where the majority of the population speaks Russian. It is believed that this proposed law violates international law and poses a serious danger to Ukraine's sovereignty and territorial integrity. The proposed law would grant Russia the authority to annex any neighbouring nation with a sizable Russian-speaking population, regardless of that nation's sovereignty or the desires of its citizens.

Volodymyr Zelensky, the president of Ukraine, has described the bill as "an attempt to legalize the occupation of Ukraine's territory" and vowed to thwart any Russian attempts to annex Ukrainian territory. He has also urged the international community to aid Ukraine in defending its territorial integrity and authority. "The bill would further destabilize the region," according to NATO Secretary-General Jens Stoltenberg, who also urged Russia to respect Ukraine's territorial integrity and sovereignty.

With centuries-old historical, cultural, and linguistic connections between Ukraine and Russia, the situation in that country is complicated and multifaceted. The Kremlin-orchestrated "referendums," which the Ukrainian government and the West rejected as invalid, resulted in the recent annexation of four regions of Ukraine by Russia, escalating the situation and raising worries about the possibility of further land grabs and territorial acquisition by Russia. These worries have been exacerbated by the proposed law's ambiguity, which leaves open questions about what would comprise a "Russian-speaking majority" and how Russia would choose which regions would be eligible for annexation. Many are concerned that Russia might use the proposed legislation as a cover for additional aggression and expansionism due to the lack of clarity.

Because Ukraine is involved in a larger conflict between Russia and the West over influence and power, the situation there has repercussions beyond the immediate area. Some have called for a more assertive response, including the provision of lethal military aid to Ukraine and the creation of a no-fly zone over the Donbass region. The United States and its allies have reacted by imposing sanctions on Russia and providing military aid to Ukraine. Concerns exist over the likelihood of an increase and the threat of direct military conflict between Russia and the West, which would have catastrophic repercussions not only for Ukraine and the surrounding area but also for the entire world. Millions of people have already been displaced by the war in Ukraine, resulting in thousands of fatalities, and further escalation of the situation could result in an even worse humanitarian disaster.

The situation in Ukraine serves as a reminder of the significance of upholding each country's territorial integrity and authority, as well as the demand for diplomatic conflict resolution. The international community must assist Ukraine in its efforts to protect its territorial integrity and sovereignty and find a peaceful settlement to the conflict. The proposed law in Russia must be viewed as a serious danger to the stability and security of the area, and the international community must act swiftly and decisively in response.

BY CPRIL



NOVEMBER '22

COP 27 YIELDS DRAFT ARTICLE ON CLIMATE CHANGE AND OTHER RELEVANT DECISIONS

The United Nations Framework Convention on Climate Change (“UNFCCC”) held its 27th Conference of Parties (“COP”) in Sharm-El-Sheikh, Egypt from November 6 to 18, 2022. On November 17, 2022, a preliminary version of the final accord that was planned to result from the summit was released by the UNFCCC. The document, referred to as a “non-paper,” reiterates the Glasgow Climate Pact’s objective to “accelerate actions towards the phase down of unabated coal power and phase out and rationalize wasteful fossil fuel subsidies.” The goal of COP conferences is to bring together world leaders, decision-makers, and experts from various nations to negotiate measures to solve challenges related to global climate change, including lowering greenhouse gas emissions, coping with climate change, funding climate action, and technological transfer.

COP27 resumed work on achieving the 2015 Paris Agreement’s goal of keeping the global temperature increase “well below” 2.0 degrees Celsius over pre-industrial levels. It came after COP26, which was held in Glasgow in 2021 while the UK was hosting. The COP 27 conference took place under the presidency of the Egyptian Minister of Foreign Affairs Sameh Shoukry. More than 92 heads of state and approximately 35,000 delegates from 190 countries attended the conference.

At COP27, nations delivered a package of resolutions that reaffirmed their commitment to limiting global temperature rises to 1.5 degrees Celsius over pre-industrial levels and boosted financial, technological, and capacity-building assistance to reduce greenhouse gas emissions and adapt to their inevitable effects from climate change. However, the document labelled as a “non-paper” does not call for a phase-down of all kinds of fossil fuels, as requested by India and the European Union, and does not include details for launching a fund for loss and damage, a key demand from the most climate-vulnerable countries like island nations. Rather, it “welcomes” the fact that parties have agreed for the first time to include “matters related to funding arrangements responding to loss and... damage” on the summit agenda.

During COP27, the European Union pushed for “large, developing countries,” including China, the Arab States, and India, among others, to contribute to the “Loss and Damage” fund, as they were large emitters. Governments also agreed to form a “transitional committee” to give suggestions on how to operationalise the fund and new finance arrangements at COP28 the following year. The conference resulted in an updated draft of a proposed final agreement, including provisions for reducing greenhouse gas emissions, promoting renewable energy, and supporting developing countries in their efforts to adapt to the impacts of climate change. The COP conference this year was particularly significant for poor countries as they work to approve crucial climate funding agreements to support them in reducing their emissions in the years to come.

Monitoring nations’ progress towards achieving net-zero emissions or their Nationally Determined Contributions (“NDCs”) in emission reduction by 2030 was another important item on this year’s summit agenda. The World Leaders Summit held during the conference focused on themes like food security, vulnerable communities, and just transition. In accordance with Article 2 of the Paris Agreement, the UNFCCC released draft decisions 1/CP.27 and 1/CMA, which include reiterating the commitment to a collective global response to climate change based on the most recent research and established principles.

BLACK SEA GRAIN INITIATIVE

The ongoing war in Ukraine has led to a food crisis and a subsequent increase in food prices in many countries. Ukraine and Russia are major grain exporters, accounting for 30% of the global market share, and Ukraine also supplies half of the world's sunflower oil. However, the conflict has damaged Ukraine's port infrastructure, making it difficult to export essential goods such as wheat, maize, and barley. Moreover, Russia has placed 400–600 naval mines in Ukraine's sea zones, which have prevented ships from transporting goods, causing a shortage of food and higher prices.

To address this issue, the United Nations brokered the Black Sea Grain Initiative, also known as the Black Sea Corridor, in July 2022. The initiative is an agreement between Russia, Ukraine, and Turkey that enables Ukraine to export its products through three major ports: Chornomorsk, Odesa, and Yuzhny. The agreement provides a safe route that does not have any underwater mines, allowing ships to pass through the Bosphorus Strait in Turkey and enter the Mediterranean Sea to reach countries in Africa and other parts of the world. The Joint Coordination Centre ("JCC") oversees the movement of ships in and out of Ukraine.

The initiative has been successful in helping Ukraine increase its average monthly exports from 1.7 million metric tonnes in August 2022 to about 4 million metric tonnes in February. Nearly 45% of the 23 million metric tonnes of food exports went to developed countries, such as Spain, the Netherlands, Italy, the Republic of Korea, Germany, France, Greece, Ireland, and Israel, and the rest to Egypt, India, Iran, Bangladesh, and countries in the Middle East and Africa.



As a result, global food prices have eased somewhat, with the international reference price for wheat dropping for three consecutive months and corn prices following a similar trajectory.

However, there are several issues with the agreement. Firstly, the deal is tentative and offers little flexibility, with Russia threatening to back out of the agreement multiple times and blocking ports on occasion. Secondly, the agreement was originally intended to last until November 2022, but extensions have been negotiated every few months on humanitarian grounds, giving Russia more bargaining power. Finally, the corridor has benefited developed nations more than developing countries, as low-income countries could not fully benefit from lower prices due to their weak currencies.

In conclusion, while the Black Sea Grain Initiative has helped suppress a sharp rise in global food prices, the agreement that enabled this outcome remains uncertain.

It has also been extended in March, but continues to face political issues in effectuating proper implementation. on and sustainability are integrated into all aspects of human development.



BY CPRIL

DECEMBER'22

THE ICJ JUDGMENT IN THE DISPUTE OVER THE STATUS AND USE OF THE WATERS OF THE SILALA

On June 6, 2016, the Government of the Republic of Chile instituted proceedings against the Plurinational State of Bolivia with regard to a dispute concerning the status and use of the waters of the Silala. The Silala originates at an altitude of 4300 meters, in an extremely dry part of the Andes in Bolivia, near the Chilean border. Chile claims that it is a River system, making it an 'international watercourse', and thus Chile has a right to equitable and reasonable use of its waters, as it currently does under customary international law. This creates an obligation for Bolivia to provide Chile with timely notification of planned measures that may have an adverse effect on Chile's use of the waters, an obligation that Bolivia has breached.

Bolivia maintains that the Silala is not a River system but a group of springs that flow into Chile only due to the augmentation of water flow by an extensive series of canals constructed in 1928. Thus, it is not an 'international watercourse', and customary rules related to its use do not apply to it. It has sovereignty over the canals and the water flow emanating from them, and any use by Chile is only subject to future agreements between the two nations. It is only with respect to the latter that the Court clarified the existing substantive law. Neither Chile nor Bolivia is a party to the United Nations Watercourses Convention (1997), but Chile had argued that Article 11—requiring that both parties exchange information and consult each other over planned measures on such a waterway—and Article 12—concerning notification requirements prior to permitting or implementing measures that might have an adverse impact on the watercourse—form a part of customary international law. With respect to Article 11, the Court found no state practice to justify its customary status. With respect to Article 12, the Court agreed that it reflected Customary International Law, but it agreed with Bolivia that the threshold for a such notification was when there was a significant risk of transboundary harm and since the same could not have been alleged or proven in this case, there had been no breach of obligations by Bolivia.

The substantive judgments provide some procedural clarifications whose significance is too early to judge. It may have important consequences for India's actions on the Indus River system, for instance. But mainly, judgment raises key questions on the evolving positions of parties during a dispute that bring them closer to each other and on the consequences of new evidence that may lead to such positional changes. Is the Court free to declare in such cases, as it has done here, that a claim is void of an object and requires no decision?

Judge Charlesworth filed a declaration saying that although she fundamentally disagrees with the Court's decision to not resolve the dispute but focuses on the "meta-dispute" concerning whether there is a dispute at all, this is not founded in ICJ jurisprudence, introduces "uncertainties into the concept of a dispute," and is too casual about the impact that a declaratory judgment of the ICJ can have in this case. Justice ad-hoc Simma filed a separate opinion along similar lines, arguing that the threshold used to "decide that a dispute has disappeared" is too low, relying on the "convergence of positions" standard, which by itself does not constitute an agreement between the parties. The judgment came out on December 2, 2022. The implications of the procedural clarifications, as well as the interesting new jurisprudence of 'deciding not to decide' attempted by the Court, remain to be seen.

UK SUPREME COURT- SELF- DETERMINATION DOES NOT APPLY TO SCOTLAND

The UK Supreme Court recently issued its judgment in the case of the Scottish Parliament's Reference on the UK Withdrawal from the European Union (Continuity) Bill, which concerned the legal competence of the Scottish Parliament to pass a law that aimed to ensure the continuity of EU law in Scotland after Brexit. The Supreme Court's decision had significant implications for the ongoing debate over Scottish independence, particularly with respect to the right of self-determination.

The Scottish Continuity Bill was passed by the Scottish Parliament in 2018, but the UK Government challenged its legality, arguing that it was beyond the legislative competence of the Scottish Parliament because it conflicted with UK law. The case was referred to the UK Supreme Court for a ruling on the question of whether the Scottish Parliament had the power to pass the Bill.

In its decision, the Supreme Court held that the Scottish Continuity Bill was outside the legislative competence of the Scottish Parliament, as it was incompatible with UK law. The Court reasoned that the Bill would have altered the law of the UK as a whole, rather than just the law of Scotland, and that it would have interfered with the UK's ability to negotiate international agreements.

However, the Supreme Court's decision also addressed the broader question of whether the Scottish Parliament has the power to hold a second independence referendum without the approval of the UK Government. The Court's ruling on this issue was less clear-cut, as it recognized that there are different views on the legal and constitutional issues involved.



The Supreme Court stated that the question of whether the Scottish Parliament has the power to hold a second independence referendum is ultimately a matter of political judgment, rather than legal interpretation. The Court noted that the Sewel Convention, which provides that the UK Parliament will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament, is not legally enforceable.

Despite this, the Supreme Court also acknowledged that the right to self-determination is a fundamental principle of international law, and that the people of Scotland have the right to decide their own future. The Court stated that this right could only be exercised in accordance with the law, but did not provide any guidance on what that law might be.

The Supreme Court's decision has been criticized by some commentators, who argue that it leaves important questions unresolved and fails to address the underlying issues of constitutional law and democracy.

They argue that the ruling could fuel demands for greater autonomy or even independence among other regions of the UK, particularly in the wake of Brexit and the ongoing debate over the future of the Union.

Overall, the Supreme Court's decision in the Scottish Continuity Bill case is unlikely to settle the ongoing debate over Scottish independence, and may in fact contribute to further political uncertainty and instability. The ruling highlights the need for a more comprehensive and inclusive process for resolving the constitutional questions facing the UK, particularly with respect to the right of self-determination and the future of the Union.

It remains to be seen how the Scottish Government will respond to the Supreme Court's decision, and whether it will continue to pursue its agenda of greater autonomy and independence from the UK. However, the Court's ruling has undoubtedly reignited the debate over Scottish independence and raised important questions about the future of the UK and its constitutional settlement.

UN REACHES A LANDMARK DEAL ON BIODIVERSITY

Diversity in species is the fundamental components of Earth's life-support systems on which we all depend. However, the planet's biodiversity, the vast array of life on Earth, is facing an unprecedented crisis. Development, urbanization, pollution, and disease are causing havoc on the tree of life. As a result, species are disappearing at the fastest rate in history. Human activities are mostly driving unprecedented pressures from land use change, overexploitation, pollution, climate change, and invasive species, threatening our biodiverse planet.

The United Nations Biodiversity Conference (COP15) is an international conference held under the United Nations Convention on Biological Diversity ("CBD"). Representatives from 188 governments gathered in Montreal for the past two weeks for the important summit. The conference ended in Montreal, Canada, on 19 December 2022, with a landmark agreement to guide global action on nature through to 2030. Organized by the UN, these conferences involve participation from countries, regional organizations, and non-government bodies. The Kunming-Montreal Global Biodiversity Framework aims to protect 30% of the world's lands, coastal areas, and inland waters by 2030, an increase from the 17% of lands and 10% of marine areas currently under protection. This agreement was originally supposed to take place in Kunming, China, but difficulties posed by the country's zero-Covid policies made that impossible. Therefore, the conference was moved to Canada under joint Canadian and Chinese leadership.

According to Achim Steiner, who is the head of the development program, the deal is an 'historic' step. The agreement envisages putting \$200 billion (€188 billion) toward supporting biodiversity by 2030,



with another \$500 billion possibly raised by phasing out or reforming subsidies, such as those for food or fuel. However, the agreement was only reached after much deliberation. One of the major contentions was with regard to financing. Developing nations want richer nations to give them more financial aid to help them in their conservation efforts, especially because these developing nations consist of the major biodiversity hotspots. With discussions centering on how much money developed countries will send to developing countries to address biodiversity loss, it was requested that the Global Environment Facility set up a Special Trust Fund – the GBF Fund – to support the implementation of the GBF, in order to ensure an adequate, predictable, and timely flow of funds.

The agreement has four primary purposes, stopping human-caused extinction, protecting the integrity of all ecosystems, exploiting and developing biodiversity responsibly, fair and equal distribution of monetary resources, and collaboration of all parties concerned are among them.

Stakeholders generally agreed that the implementation of these aims will need a "whole-of-government and whole-of-society approach." The agreement provides 23 milestones for parties to aim towards under these four major themes. Among the aims are 30 percent environmental safeguards, the execution of sustainable management principles, and financial implementation plans. The aims also acknowledge indigenous peoples' and local communities' rights in conserving and working towards the specified targets.

Parties to the agreement are required to report to the UN CBD every five years on a certain set of indicators to measure progress towards the above goals and targets. Some of these indicators include the percentage of land and water protected, as well as the number of corporations that disclose their biodiversity impacts. The UN CBD plans to evaluate the material included in these reports by late February 2026 and again in June 2029. At that moment, the UN CBD anticipates producing worldwide trend and progress reports.

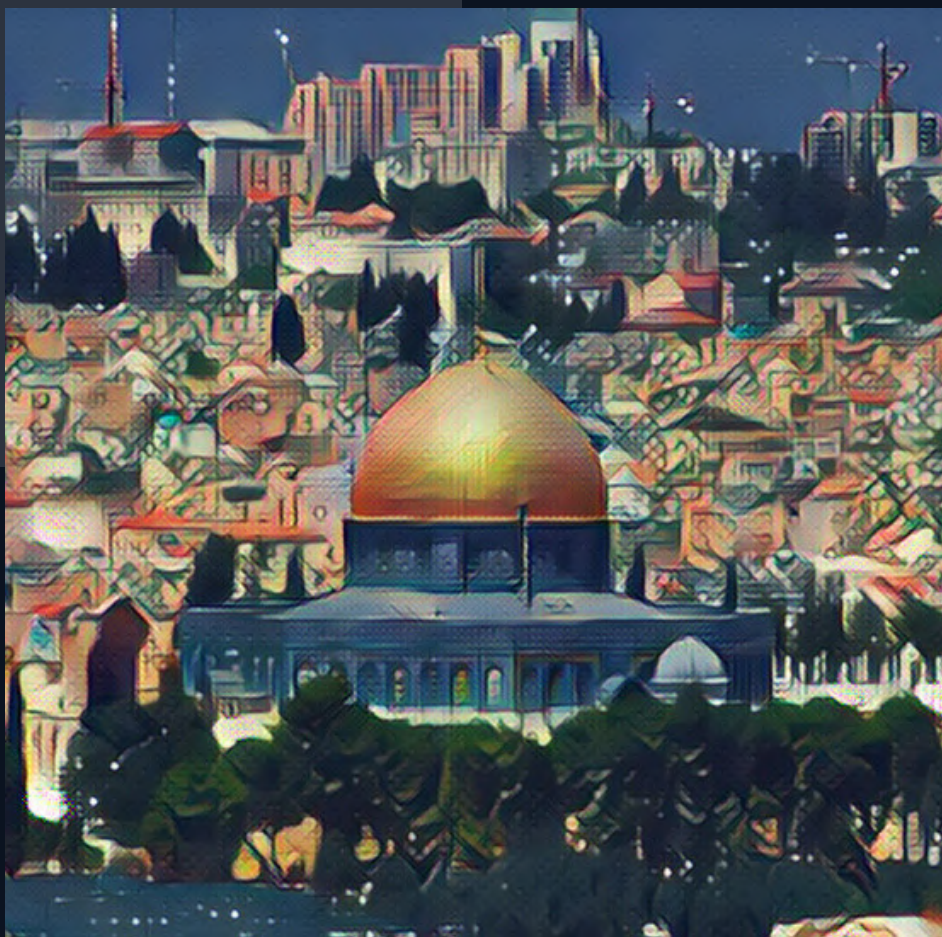
UN ASKS ICJ TO ADJUDICATE ON ISRAELI SETTLEMENTS

The UN General Assembly ("UNGA") has voted in favor of a Palestinian resolution requesting an advisory opinion of the International Court of Justice ("ICJ") on the legal consequences of Israel's 'prolonged occupation, settlement and annexation of the Palestine territory occupied since 1967.'

In 2004, the ICJ deliberated upon Israel's construction of the border security fence, but Israel does not recognize the Court's authority. Thus, it only presented written arguments elaborating on the Court's authority to deliberate on Israel's internal matters. This time, the issue is broader and related to Israel's control over Judea, Samaria, and East Jerusalem.

On May 27th, 2021, the UN Human Rights Council mandated the Commission to investigate all alleged violations of international humanitarian and human rights law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel, leading up to and since April 13th, 2022. The Commission presented its report on October 27th, 2022, and found reasonable grounds to conclude that Israel's occupation of Palestine territory is now unlawful under international law. The report stated that Israel's occupation and its discrimination against Palestinians were the root causes of tensions, instability, and prolonged conflict in the region.

The Commission recommended that the UNGA urgently request an advisory opinion from the ICJ on the legal consequences of Israel's continued refusal to end its occupation of Palestinian territory, the right of Palestinians to self-determination, and the obligations of third states and the UN to ensure respect for international law. The UNGA Resolution 77/400 was passed in accordance with Article 96 of the Charter of the UN, with 87 countries in favor.



In the June 1967 war, Israel expelled over 300,000 Palestinians by capturing Palestine, the West Bank, Gaza, and East Jerusalem. It also captured the Syrian Golan Heights in the north and the Egyptian Sinai Peninsula in the south. In 1978, Egypt and Israel signed a peace treaty that made Israel withdraw from Egyptian territory. Jerusalem is claimed as the capital by both parties. Israel continues to occupy the West Bank, though it pulled out of Gaza. The UN still regards it as occupied territory. According to Amnesty International, Israel has governed Palestinians in an oppressive and discriminatory manner to the extent that Israeli officials committed the crime of apartheid under international law.

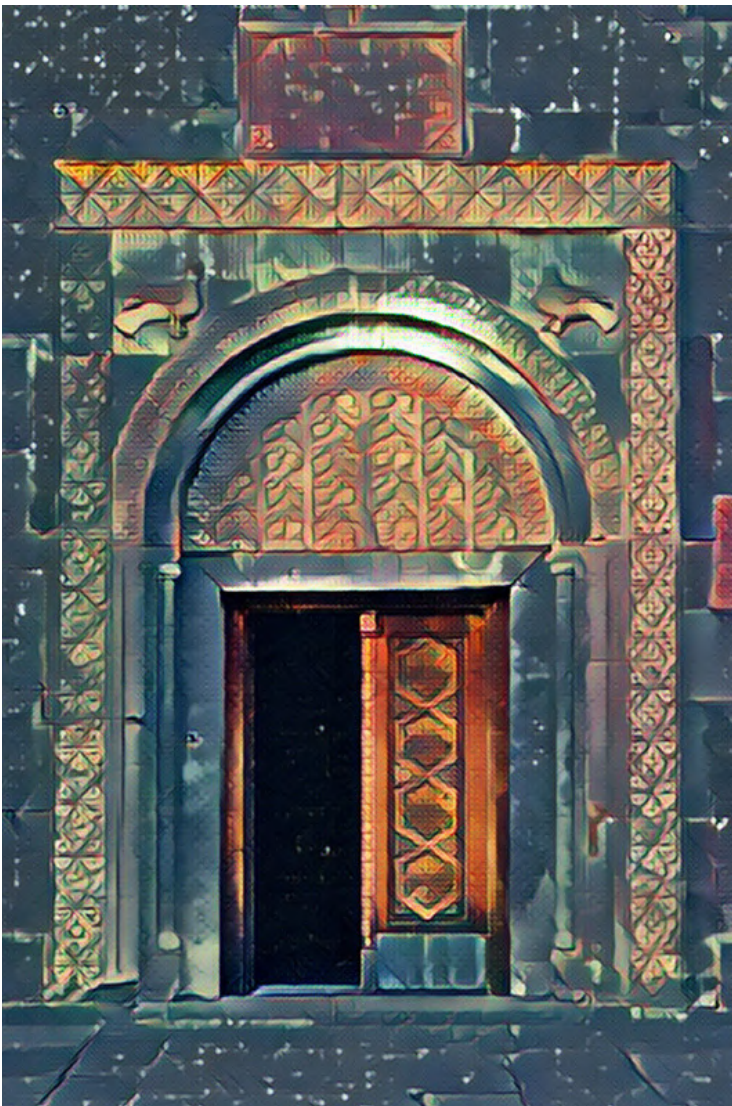
The Israeli Prime Minister, Benjamin Netanyahu, called the vote 'despicable' and stated that Israel is not bound by the ICJ. Former Israeli Prime Minister Yair Lapid urged world leaders to oppose the move, saying that bringing the matter to the court would 'only play into the hands of extremists'. Israel's U.N. Ambassador, Gilad Erdan, went on to say that any decision from a judicial body that receives its mandate from the morally bankrupt and politicized

UN is completely illegitimate. Though the resolution has no immediate practical consequences, it is a significant achievement for the Palestinian Authority in the international arena. They regard this as another international 'victory for Palestinian diplomacy'. This will buttress Palestine's continuous endeavor to achieve full-member status in the UN and other international organizations. If the ICJ's opinion accepts the Palestinian claims, it will be a big step towards Palestinian legitimacy and independent state.

ECTHR INDICATES INTERIM MEASURES IN ARMENIA V. AZERBAIJAN RE LACHIN CORRIDOR



The Lachin corridor holds significant geopolitical importance as it connects the Republic of Armenia to the disputed Nagorno-Karabakh region, claimed by both Armenia and Azerbaijan. The longstanding conflict over Nagorno-Karabakh has resulted in multiple armed confrontations, and the control of the Lachin corridor has been a contentious issue. Following Azerbaijan's military offensive and capture of the Lachin corridor in November 2020, Armenia lodged an application with the European Court of Human Rights ("ECtHR") against Azerbaijan, citing violations of various articles of the European Convention on Human Rights ("ECHR"). As part of the proceedings, Armenia sought interim measures from the ECtHR to halt Azerbaijan's military activities in the Lachin corridor and ensure the protection of civilians in the region.



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The interim measures issued by the ECtHR had economic implications as well. They affected the provision of humanitarian aid and assistance, with humanitarian organizations and agencies needing to coordinate their efforts to provide relief to the affected population. The interim measures could also impact trade and transportation routes in the region, including the Lachin corridor, which is crucial for Armenia. Any disruption to these routes can have adverse economic consequences such as increased costs, loss of revenue, and reduced economic activity in the region.

BY CPRIL



JANUARY '23

GERMAN FEDERAL COURT OF JUSTICE FIRST EVER GENOCIDE CONVENTION OF ISIS MEMBER

In a landmark trial, the Higher Regional Court of Frankfurt convicted Taha, an Iraqi national, in November 2021 for his enslavement and abuse of a Yazidi woman and her five-year-old daughter that resulted in the child's death. This marks the first time that an ISIS member has been convicted anywhere in the world.

The German Federal Court of Justice upheld the Higher Regional Court of Frankfurt's conviction of Taha A.-J. for genocide, crimes against humanity, and war crimes committed against Yazidi victims in Fallujah, Iraq, in January 2023. This historic occurrence is the first time a nation has addressed the issue of ISIS foreign fighters with the intention of holding them accountable. The Parliamentary Assembly of the Council of Europe (PACE) responded to this ruling by the German federal court by issuing a resolution on "Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe."

The Yazidi population in Iraq and Syria was targeted by ISIS in August 2014, with a planned campaign of killings, slavery, sexual abuse, and forced child soldier recruitment. The terrorist group also forcibly displaced around 400,000 Yazidis from their homes in Iraq. Despite the attack occurring nearly nine years ago, thousands of Yazidi women and children who were kidnapped and sold into slavery by ISIS are still missing. The United Nations, national and international organizations, as well as contemporary German courts, have recognized these crimes as genocidal acts.

Under the doctrine of universal jurisdiction, German courts have jurisdiction over acts of genocide, war crimes, and crimes against humanity, even though Taha is not a German citizen, his victims are not Germans, and his crimes were not committed on German soil. In a separate trial, Taha's wife, "Jennifer W.," a German national, received a 10-year prison term for her own part in the crimes against Reda and her mother.

BY CPRIL



FEBRUARY' 23

UNGA PASSES RESOLUTION CALLING FOR LASTING PEACE IN UKRAINE

The United Nations General Assembly ("UNGA") passed a resolution on February 23, 2022, calling for lasting peace in Ukraine; a year after Russia launched a military attack on Ukraine. The resolution, which was passed with a two-thirds majority, had 141 member states voting in favor, 7 against, and 32 abstentions, including India, Pakistan, and China. It reaffirmed support for Ukraine's sovereignty and territorial integrity, rejecting any Russian claim to the part of the country it occupies. The resolution called upon Russia to immediately withdraw all its military forces deployed in Ukraine to put an end to the conflict.

Ukraine drafted the resolution after consulting with allies and holding consultations with interested nations. Foreign Ministers and Diplomats from more than 75 countries addressed the assembly during the negotiations of the resolution, with many urging support for the resolution that upholds Ukraine's territorial integrity. The conflict has left tens of thousands of people dead and entire towns in ruins, with its effects felt worldwide in rising food and gasoline prices, as well as inflation.

The UNGA resolution called for "a comprehensive, just, and lasting peace in Ukraine," requesting Russia to "completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders, and calls for a cessation of hostilities." The resolution also called for the immediate cease of assaults on Ukrainian infrastructure and the observance of international humanitarian law to ensure the protection of people.

The resolution emphasized the need for measures for permanent peace to take into account the war's global effects on the environment, financial markets, food security, and nuclear security and safety. It urged all countries to aid the Secretary-General in addressing these effects and to reject Russia's claim to the four regions of Ukraine. The Assembly further emphasized the necessity of independent national or international investigations and prosecutions for the most severe crimes under international law committed in Ukraine.

The UNGA resolution on Ukraine is significant because it shows that Russia is still isolated on the world stage and that Ukraine continues to have backing from other countries. The resolution sets out the principles and framework that will inspire international action in the coming months. Although the resolution does not have a binding effect, it plays an important role in providing guidelines. The primary goals of the UN resolution on Ukraine were to demand an immediate end to the conflict and the establishment of a long-lasting peace in Ukraine. The UN resolution on Ukraine demonstrates the unanimity of the world community in its condemnation of Russia's invasion of Ukraine and its demand that Russia removes its soldiers and put an end to the crisis.

BY CPRIL



MARCH 2023

PRIME MINISTER MODI CALLS FOR A UNITED GLOBAL SOUTH

Prime Minister Narendra Modi recently addressed the Voice of Global South Summit. He emphasized the need for cooperation among nations to address global challenges such as the COVID-19 pandemic, climate change, and terrorism. He also urged countries to work together to achieve sustainable development goals.

The summit was attended by leaders and representatives from various countries in the Global South, including Africa, Asia, and Latin America. In his address, Modi emphasized the shared vision and values that bring these countries together and reiterated India's commitment to strengthening ties with its partners in the Global South.

India's G20 Presidency is an opportunity to push for this reform and to amplify the voice of the Global South. The Prime Minister highlighted that the G20 countries account for 85% of the world GDP, two-thirds of its population, and more than half of global trade. This places the G20 in a unique position to shape global economic policies and drive global growth.

The Prime Minister also spoke about the efforts India is making to support the Global South, including the vaccine Maitri program, which has provided millions of COVID-19 vaccine doses to countries around the world. He emphasized the need for equitable access to vaccines, especially for the most vulnerable countries, and called for more global cooperation to ensure that vaccines are available to all. Mr Modi also highlighted the importance of technology and innovation in addressing these challenges and expressed India's commitment to contributing to the global knowledge economy. He also emphasized the need for promoting renewable energy and reducing carbon emissions.

The Prime Minister's address comes at a time when India is emerging as a key player in the global economic order, with a growing presence in international forums and a focus on promoting a more inclusive and equitable global governance architecture. The G20 Presidency is a crucial opportunity for India to lead the way in shaping the global economic agenda and to give voice to the concerns and aspirations of the Global South.



The International Criminal Court (ICC) has issued arrest warrants in response to an ongoing investigation by the ICC prosecutor into the situation in Ukraine. The Prosecutor's office started investigating the matter after a state referral from Lithuania. These warrants have been issued against Russian President Vladimir Putin and Russian Commissioner for Children's Rights, Maria Lvova-Belova. They have been accused of unlawful deportation of the Ukrainian Population including children, under Articles 8(2) (a) (vii), 8 (2) (b) (viii), 25 (3) (a) of the Roma Statute. These arrest warrants obligate the 123 ICC member states to fully cooperate with the arrests of the individuals concerned.

APRIL '22 - MARCH '23

INDIA IN UNO



UN RESOLUTION - [A/RES/ES-11/6](#)
PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS UNDERLYING A COMPREHENSIVE, JUST AND LASTING PEACE IN UKRAINE

STATUS: RESOLUTION ADOPTED
IN FAVOUR: 141
AGAINST: 7
ABSTENTIONS: 32
INDIA- ABSTAINED



UN RESOLUTION- [A/C.3/77/L.35](#)
THE SITUATION OF HUMAN RIGHTS IN THE TEMPORARILY OCCUPIED AUTONOMOUS REPUBLIC OF CRIMEA AND THE CITY OF SEVASTOPOL, UKRAINE

STATUS: ADOPTED
FAVOUR - 78
AGAINST - 14
ABSTENTIONS - 79
INDIA - ABSTAINED



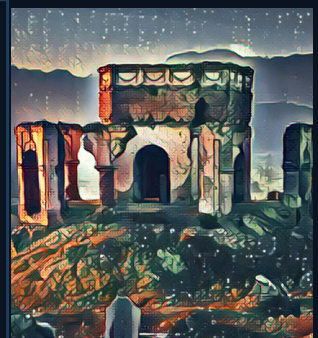
UN RESOLUTION- [A/77/463/ADD.3 DR III](#)
SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

STATUS: RESOLUTION ADOPTED
IN FAVOUR: 79
AGAINST: 28
ABSTENTIONS: 68
INDIA- VOTED AGAINST



UN RESOLUTION- [A/77/L.11](#)
THE SITUATION IN AFGHANISTAN

STATUS - RESOLUTION ADOPTED
FAVOUR - 116
AGAINST - 0
INDIA - VOTED IN FAVOUR
ABSTENTIONS- 10 (BELARUS, BURUNDI, CHINA, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, ETHIOPIA, GUINEA, NICARAGUA, PAKISTAN, RUSSIAN FEDERATION, ZIMBABWE)



APRIL '22 - MARCH '23

INDIA IN UNO



UN RESOLUTION- [A/77/664](#)

ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF PALESTINIAN PEOPLE IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM

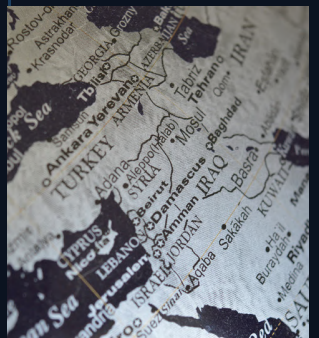
STATUS: ADOPTED
FAVOUR - 105
AGAINST - 13
ABSTENTIONS - 37
INDIA - ABSTAINED



UN RESOLUTION - [A/C.3/77/L.36/REV.1](#)

THE SITUATION OF HUMAN RIGHTS IN THE SYRIAN ARAB REPUBLIC

STATUS: ADOPTED
FAVOUR - 90
AGAINST - 14
ABSTENTIONS - 68
INDIA - ABSTAINED



UN RESOLUTION- [A/77/462 DR III](#)

THE RIGHT OF THE PALESTINIAN PEOPLE TO SELF-DETERMINATION

STATUS: ADOPTED
FAVOUR - 167
AGAINST - 6
ABSTENTIONS - 9
INDIA - IN FAVOUR



UN RESOLUTION- [A/C.3/77/L.30](#)

USE OF MERCENARIES AS A MEANS OF VIOLATING HUMAN RIGHTS AND IMPEDING THE EXERCISE OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION

STATUS: ADOPTED
FAVOUR - 122
AGAINST - 50
ABSTENTIONS - 5
INDIA - IN FAVOUR



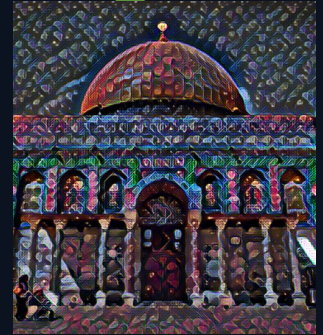
APRIL '22 - MARCH '23

INDIA IN UNO



UN RESOLUTION- [A/C.2/77/L.14](#)
PERMANENT SOVEREIGNTY OF THE PALESTINIAN PEOPLE IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM, AND OF THE ARAB POPULATION IN THE OCCUPIED SYRIAN GOLAN OVER THEIR NATURAL RESOURCES

STATUS: ADOPTED
FAVOUR - 151
AGAINST - 7
ABSTENTIONS - 10
INDIA - IN FAVOUR



UN RESOLUTION- [A/C.4/77/L.14](#)
ISRAELI SETTLEMENTS IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM, AND THE OCCUPIED SYRIAN GOLAN

STATUS: ADOPTED
FAVOUR - 150
AGAINST - 8
ABSTENTIONS - 14
INDIA - IN FAVOUR



UN RESOLUTION- [A/C.4/77/L.9](#)
OPERATIONS OF THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

STATUS: ADOPTED
FAVOUR - 164
AGAINST - 6
ABSTENTIONS - 5
INDIA - IN FAVOUR



UN RESOLUTION - [A/C.1/77/L.2](#)
AGENDA ITEM 102 - THE RISK OF NUCLEAR PROLIFERATION IN THE MIDDLE EAST

STATUS: ADOPTED
FAVOUR - 164
AGAINST - 4
ABSTENTIONS - 7
INDIA - AGAINST

