

INSTITUT  
DE DROIT  
INTERNATIONAL

JUSTITIA ET PACE

# Justitia et Pace

## Prix Nobel de la Paix

### REPORT on 78<sup>th</sup> Session Institute of International Law

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Session of Hyderabad  
3-10 September 2017

#### Venue

NALSAR University of Law, Hyderabad, India





# **Institute of International Law**

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**Session of Hyderabad  
3-10 September 2017**

**Report on the 78<sup>th</sup> session**

**Prepared by:**

**Prof. (Dr.) V. Balakista Reddy**

**Ms. Anita Singh**

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## ACKNOWLEDGEMENT

NALSAR hosted the 78<sup>th</sup> Session of Institute of International Law (*Institut de droit international or IDI*) from September 3<sup>rd</sup> to 10<sup>th</sup>, 2017. Established in 1873, following the creation of the International Committee of Red Cross, to promote peaceful settlement of disputes amongst States, the Institute was awarded the **Nobel Peace Prize in 1904**. The 78<sup>th</sup> Session of IDI saw participation of delegates from over 65 different countries which included distinguished judges, jurists, arbitrators and practitioners associated with the settlement of international disputes; and is drawn from such eminent bodies as the International Court of Justice (ICJ), The Permanent Court of Arbitration (PCA), and Arbitral Tribunals dealing with investments, international trade law, land and maritime boundaries as well as river water disputes. Some of the prominent names include Lord Lawrence Collins, Sir Christopher Greenwood, Sir Antonio Trindade, Sir Kenneth Keith, Prof Eyal Benvenisti, Judge Abdul Koroma, Judge Xue Hanqin, Prof. Micheal Reisman, etc. A number of them have been associated in recent years with the settlement of disputes involving India against Bangladesh, Pakistan, Marshal Islands and Italy. The tradition of the Institute is to hold its biennial meetings in Europe. However it is for the first time that the Institute has held its session in India and second time in Asia ever since its creation 144 years back.

An event of this stature required meticulous planning and organization that went on for over two years. However with timely and adequate support from the Central and State Government, NALSAR was able to host this prestigious event. This report is our humble attempt to place on record the efforts put in by the dignitaries, government offices, state security division, members of NALSAR family in the successful conduct of this event.

At the outset, we would like to take this opportunity

to thank Shri Narendra Modiji, Hon'ble Prime Minister of India for sending us an encouraging message for the successful conduct of the 78<sup>th</sup> Session of the Institute at NALSAR, Hyderabad which was received on the eve of the Inaugural Ceremony thereby infusing the organizers with renewed energy and zeal to carry out the event to the best of our ability and uphold and showcase the rich culture and tradition that India is known for.

We would like to thank Shri M. Venkaiah Naidu, Hon'ble Vice-President of India to inaugurate the 78<sup>th</sup> Session of the Institute on 3<sup>rd</sup> September 2017 which also happened to be his maiden official event upon assuming the Office of the Vice-President. His words of wisdom set the backdrop for the prestigious session of the Institute. We would also like to thank Shri E.S.L. Narasimhan, Hon'ble Governor, Telangana State to grace the Inaugural Ceremony as the Guest of Honor and for sharing his insight on several contemporary issues of International Law.

We would also like to express our deepest gratitude to Shri. K. Chandrasekhar Rao, Hon'ble Chief Minister of Telangana for his constant guidance and support to the University in every endeavor it takes. We would also like to thank Shri. Mohamood Ali, Hon'ble Deputy Chief Minister, Telangana State, Shri A. Indra Karan Reddy, Hon'ble Minister for Housing, Law and Endowment, for gracing the occasion and for the generous financial help so extended without which this event would not have been possible.

We would also like to thank Hon'ble Shri Justice Ramesh Ranganathan, Acting Chief Justice of Telangana and AP and Chancellor, NALSAR University of Law for presiding over the Inaugural Ceremony and constantly encouraging us throughout the organization of the event.

We would also like to place on record our gratitude

towards the Institute of International Law for providing NALSAR with an opportunity to host its prestigious 78<sup>th</sup> Session in Hyderabad. We take pride in the fact that this was the first time that the Institute conducted its session in India and NALSAR was chosen to be the partner institution for this purpose. In this regards, we would like to thank Dr. P. S. Rao, President of the Institute (2015-17) in being instrumental in bringing the 78<sup>th</sup> Session of the Institute to NALSAR, Hyderabad. We are also thankful to Prof. Marcelo Kohen, Secretary-General for continuously guiding us in the organization of the event. We also like to thank the distinguished members of the Institute who traveled from far and wide for attending the event and enriching the University's academic discourse with the guest lectures, roundtable discussions and other forms of formal and informal interactions with our students and faculties.

We would like to thank the Ministry of External Affairs, Government of India for their timely assistance in providing us with requisite political clearances including *gratis* visa for the members and the staff of the Institute. We also thank the Ministry of Home Affairs, Government of India for providing us with the requisite security clearance to proceed with the event.

We would now like to thank the various departments in the Government of Telangana for extending their support and courtesies for the successful conduct of the event. We specially thank the various wings of the police department for providing the requisite police protection to the members of the Institute, to ensure traffic clearances and for extending other protocol assistance during the event.

The gratitude for the support extended by Shri A. Indra Kiran Reddy, Hon'ble Minister for Housing, Law and Endowment, Shri. A Chandulal, Hon'ble Minister of Tourism and Culture, Shri A. Santosh Reddy, Former Secretary to Govt.,

Legislative Affairs, Legal Affairs and Justice Shri V. Niranjana Rao, Secretary to Govt., Legislative Affairs, Legal Affairs and Justice and Shri B. Venkatesham, Secretary, Tourism and Culture, Government of Telangana cannot be expressed in words. However it is undeniable that without their generous support an event of this stature could not have been organized.

We also take this opportunity to thank Shri GM Rao, Group Chairman, GMR Group, for assisting us at the airport, custom and immigration officials who ensured that the custom and immigration Shri. Vikram Thummala, D.I.G. Central Industrial Security Force (CISF) for providing our team with requisite access at the airport for the purposes of receiving and ensuring a safe departure of the members and staff.

Organization of this event has been a journey for us spanning across a period of over two years and this journey wouldn't have been possible with the relentless support of our NALSAR family. We are extremely indebted to the head of our NALSAR family Prof. Dr. Faizan Mustafa, Vice-Chancellor, NALSAR for constantly inspiring and guiding us right in this journey. Our administrative staff deserves a special mention for their hard work and spending sleepless nights to ensure that the event reaches the zenith of its success. We would like to thank our faculties and students for their help and making this session the most memorable one for the Institute.

**Prof. Dr. V. Balakista Reddy**

Prof. of International Law & Registrar,  
NALSAR University of Law

and

Co-ordinator,

78<sup>th</sup> Session of the Institute of International Law

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# **CHAPTER - 1**

**INSTITUTE OF INTERNATIONAL LAW  
*INSTITUT DE DROIT INTERNATIONAL***

The **Institute of International Law** (*Institut de droit International*) was founded on **8 September 1873** at the Ghent Town Hall in Belgium. Eleven international lawyers of renown had decided to join together to create an institution independent of any governmental influence which would be able both to contribute to the development of international law and act so that it might be implemented.

In principle, the Institute meets every two years for a Plenary Session. In between these biennial sessions, Scientific Commissions on various study themes as chosen by the Plenary Assembly meet. During the biennial plenary session, the plenary assembly receives the work of the commissions, examines them attentively and if appropriate **adopts Resolutions of a normative character**. These Resolutions are then brought to the attention of governmental authorities, international organizations as well as the scientific community. In this way, the Institute seeks to highlight the characteristics of the *lex lata* in order to promote its respect. Sometimes it makes determinations *de lege ferenda* in order to contribute to the development of international law.

The Institute is composed of Honorary Members, Members and Associates. Its administration is effectuated by the Bureau. More information about the functioning of the Institute can be found in its Statutes and Rules. Furthermore, an Auxiliary Foundation has been created to provide financial support to the activities of the Institute.

The Institute was originally established by 11 great international law practitioners in 1873. Initially it was considered as an Europe-centric institution as most of its members were drawn from Europe and the Plenary Sessions were also held in different parts of Europe. However, the Institute is now more universal in its membership embracing sixty-five nationalities including India which has been represented by stalwarts of international law like Dr. Nagendra Singh, a former Judge and President of the International Court of Justice (ICJ), Professor (Dr.) R. P. Anand, Dr. P. S. Rao, Professor Tyagi, Professor B. S. Chimni and Professor V. S. Mani.

**In 1904 the Institute of International Law was awarded the Nobel Peace Prize, in recognition of its action in favour of arbitration among States, a peaceful means of settling disputes.**





## Members of the Institute from India

### Origin of the Institute

The origin of the Institute can be attributable to a phenomenon that has occurred too often in history, and in too many different contexts. The Institute in its beginnings was the product of the convergence of a number of opinion prevalent in the mid-19th century chiefly pacific and humanitarian in character which might be said to have come together with the reference to arbitration of the celebrated *Alabama case* in 1871. But, like other comparable historical happenings, the setting-up of the Institute also had a more proximate cause.

The horrors of the first World War are said to have formed part of the inspiration of the great work of him who is often called the founder of international law: **Hugo Grotius**, whose *De lure Belli ac Pacis, libri tres*, appeared during the first phase of that struggle, and almost as if in anticipation of the still worse second half. This work, if it certainly did not originate international law itself, did virtually originate the systematic study of it as a branch of scientific and creative achievement. Again, it is well known how the Swiss philanthropist, Henri Dunant, was moved to found that great institution, the International Committee of Red Cross (ICRC), because of what he had seen in 1859 of the neglect and sufferings of the wounded and dying on the battlefields of *Magenta* and *Solferino* in northern Italy. Equally, it was as a reaction against two

other wars that the idea sprang of a venture such as the Institute represents. These were the American Civil War of 1861-1865, and the Franco-Prussian war of 1870-1871, both of which displayed special features, and were in certain technical respects the precursors of the great wars of the past century. Also, it was out of the American Civil War that the *Alabama case* arose.

These events seem to have brought to a head the view that, just as in our own time it came to be said that *war was too serious a matter to be left to the generals, and peace too precious a possession to be left to the politicians*, so also was the future of international law too important to be left any longer to the action of States and governments conducted through the diplomatic channel, or to the personal efforts of individual publicists, jurists, teachers and writers. These two elements governments and publicists were respectively representative, on the one hand of the practice of States as creative of law, and on the other of that great stream of doctrine that supplies its theoretical substratum. But according to the founders of the Institute, these elements, however essential, were not in themselves enough. More was necessary; and in fact, to use a term familiar to modern ears but not much in current use at the time, international law needed to be "institutionalized". Therefore, since at that

period, long before the setting-up of such entities as the League of Nations, and later the United Nations, there was no possibility at all of this being done on the governmental level, it could only be done by private action.

Nor did it suffice that legal or quasi-legal matters might be dealt with now and again at inter-governmental conferences held for that purpose or as part of a wider purpose of which there had been some notable examples in the mid-19th century, mainly in connection with the laws of war and neutrality, and related matters. This was piecemeal action: what was needed was systematization. Connected with this was the feeling (still prominent today, in spite of all that has been gained) that international law itself was too fragmentary, too uncertain; its development too much at the mercy of chance and hazard; its future tendencies and requirements too little thought out in advance or anticipated.

These various considerations led to another and, from the point of view of the founders of the Institute, the most essential one of all, namely the need for the *collective action* of a body of jurists, as contrasted with the purely individual efforts of particular experts studying and writing in isolation from one another; or the official action of governments taken in their own interests rather than in that of the general international community. There consequently emerged three interrelated ideas never previously combined in the same way in the international field, namely *first*, the notion of what would now be described as the systematic codification of international law; *secondly*, its codification as a collective not an individual effort; and *thirdly*, and perhaps most importantly, its codification by or in a *permanent* body, in which the work would be the subject of

what would now be called "planning", and not the *ad hoc* product of conferences called, or not called, according to the pleasure of governments, and that met only to disperse again. To these elements there was added a *fourth, implicit* in the others, namely the idea of an operation carried out by a limited number of highly qualified experts acting in their personal capacity, objectively, and from the standpoint of the law as a science, not as representatives of governments or instruments of policy.

Such ideas are familiar today. They embody a concept very similar in some respects to that of the future International Law Commission of the United Nations. But they were not familiar then. What was new was not so much these various ideas in themselves, as the combination of them in one single complex. For instance, there was nothing new *per se* in the notion of codifying international law, which had originated with Bentham writing nearly a century previously; and there were already in existence a number of attempts or partial attempts at codification, such as those—to take them in historical order—of the Abbe Gregoire; the Florentine, Lorenzo Colline; the Spaniard, Esteban Ferrater; the Italian, Paroldo; and particularly, the Austrian, Domin-Petruschevecz, and the Americans, Lieber and David Dudley Field.<sup>4</sup> But these were all individual efforts, not the collective work of the members of a body one of whose functions it would be to take as it were a careful look at the international scene, perceive what was required, anticipate future needs, and organize the work on a basis of continuity.

Who were the authors of these ideas in so far as they became reflected in the creation of the Institute? It seems to have been a Russian, Katchenovsky, who, addressing the Juridical



## The Founding Fathers



Society of London in 1858, and again in 1862, first suggested the idea of a complete codification of international law through the combined efforts of jurists of all nations; and the same idea was propounded some years later by the American jurist, Francis Lieber, who had drawn up a code of military law for the use of United States armies in the field. But it was a Belgian, M. Gustave Rolin-Jacquemyns a member of that famous family to which also belonged the late Senator and Professor, President Henri Rolin, that the credit was due for the idea of an institute of international law as such, and for organizing its foundation in September 1873 in the city of Ghent, the ancient capital and seat of the Counts of Flanders where, in the Hotel de Ville, the cradle of the Institute, there can still be seen the commemorative plaque bearing the names of the 11 original founding members, *Rolin-Jacquemyns* himself, and then (we give them here in alphabetical order),? the Dutch jurist *Asser*; the Russian, *Besobrasov* (Katchenovsky had recently died); the celebrated *Bluntschli* (Germany); *Carlos Calvo* (Argentina), he of the well-known "Calvo Clause"; the American, *Dudley Field* (Lieber was also no more); *Emile*

*de Laveleye* (Belgium); the Scotsman, *James Lorimer* (Great Britain); the Italians, *Mancini* (who presided at the inaugural Ghent meeting) and *Pierantoni*; and last but not least the Swiss, *Moynier*, who had carried on and extended the Red Cross work of his compatriot Henri Dunant. And amongst the earliest, though non-founding, members of the Institute, we find such famous names as those of Heffter, Holtzendorff, Hautefeuille, Lawrence, Westlake and Wharton. The Institute was well and truly launched.

### Aims and Objects

What were the purposes of the Institute? For reasons to be given later, the aims as stated on the agenda drawn up in view of the founding Session must be considered separately from those expressed in the Statutes that were actually adopted at that Session, and amended at later Sessions.

Leaving relatively minor matters out of account these aims, as they still stand today, may be summarized as follows:

- (I) to formulate the general principles of the science of international law in such a way as to reflect the juridical conscience of the

civilized world, and to promote ... adoption [that is, by governments] of the principles recognized as being in harmony with the needs of modern societies;

- (ii) to co-operate in all serious attempts at the gradual and progressive codification of international law;
- (iii) to promote ... the preservation of peace, or [where peace cannot be maintained the observance of the laws of war; and finally,
- (iv) to contribute, through publications, public instruction, and *all* other means, to the triumph of those principles of justice and humanity which must govern the inter-relationships of peoples.

These were clearly a very liberal and forward-looking set of aims and objects, with a highly modern ring about them—not perhaps quite what might have been expected a hundred years ago,—and they are subsumed in the motto of the Institute: *Justitia et Peace*. They are all of them now reflected, in one way or another, in the Charter of the United Nations, with the quasi-exception of the phrase about promoting the observance of the laws of war. In the Charter it was of course as summed, as a working hypothesis, which this need not be catered for, because the other Charter provisions would result in the prevention of war in the normal sense of the term. The Institute was and is perhaps more realistic in anticipating that as events have shown this would not necessarily be the case. Moreover the Institute believes that, equally with regard to hostilities undertaken by the United Nations itself for the preservation or restoration of peace, certain essential parts of the laws of war must in any event be observed, and

at its Session at Zagreb (1971), it adopted a resolution on the subject.

Article 2 of which states the basic principle involved as follows:

*"The humanitarian rules of the law of armed conflict apply a matter of positive law to the United Nations, and they must be complied with in all circumstances by United Nations Forces which are engaged in hostilities."*

*A fortiori* therefore, would it be the case, in the opinion of the Institute, that those particular rules at least the *humanitarian* rules of armed conflict are applicable to hostilities generally, of whatever kind they may be, and in whatever context they arise.

## **Methods of Work**

What are the methods by which the Institute seeks to further its aims? It maintains a special committee known as the "*Commission des Travaux*", which might be translated as the "Projects Committee", whose function, after considering the suggestions that every member of the Institute is given an opportunity to make, is to decide, or rather advise the Bureau (which is the governing body of the Institute), what subjects, in the light of current events, and of the contemporary international scene and the existing state of the law, shall be taken up; and what subjects already under consideration shall be placed in cold storage so to speak, or, as the case may be, discontinued altogether.

The Sessions of the Institute now take place every two years (before the Second World War it was usually every year); and they are held in a succession of different countries, preferably, though by no means invariably, in quiet provincial university cities which will not offer too many glittering attractions disruptive of the processes of

sober thought. In between Sessions, the work of the Institute which is continuous is carried on (but this is fundamental to that work) by a number of Commissions set up for particular subjects or branches of international law. The number of these Commissions that are active at any one time, and their membership, varies according to subject and circumstances, but they may amount to as many as 26, in the proportions of about a quarter or a third for private international law topics, and the balance of two-thirds to three-quarters for public international law topics.

Each Commission has a Rapporteur and, if necessary, a co-Rapporteur, and about a dozen members. No one may be Rapporteur for more than one Commission at the same time, and no one may be a member of more than three Commissions simultaneously, the idea being to spread the work, and ensure so far as possible the participation of all the members of the Institute.

Upon the advice of the Projects Committee, the Bureau of the Institute allocates a subject to each active Commission, and nominates its Rapporteur and members after consulting the whole membership of the Institute, and also taking into account what members are specialists in different subjects. In between the regular two-yearly full Sessions of the Institute, the Commissions normally do not meet, but carry on their work by means of written interchanges between the Rapporteur and the members of his Commission. He begins by circulating to them an *exposé* or appreciation of his own on the allocated subject, accompanied by a questionnaire. When he has the answers to the questionnaire he draws up a provisional report, and usually a provisional set of articles or recommendations for eventual adoption by the Institute; and these may well amount in fact to a

draft codification. All this he circulates to his Commission and asks for comments. On receipt of these he draws up a definitive report and resolution, which is then circulated, not only to his Commission but to all the members of the Institute, in a small printed volume which also contains all the previous work, so that everyone can see what stages it has been through. The matter is then ready for consideration at a full Session of the Institute. The Commission meets just before that Session, and if necessary during it. Other Commissions, whose subjects are not being considered at that particular Session, can nevertheless also meet during the course of it.

This careful preparation ensures that the regular full Sessions of the Institute are not wasted in discussions leading to no results or poor results. It is only very rarely that the Institute has to reject outright any resolution proposed by a Commission; but it will usually adopt it only after detailed discussion and considerable amendment. If there are serious difficulties, the matter will be postponed until a later Session, and in the meantime returned to the Commission for reconsideration. Occasionally a project may be suspended indefinitely or abandoned. This method of production does however create a high degree of likelihood that any project emerging from a Commission will, in principle, be acceptable to the Institute as a whole, for it will have been worked over about three times before it reaches the full Session, and the Rapporteur and Commission members will have ensured that every aspect has been taken account of.

Clearly the procedure is slow, but this is intentional. The Statutes of the Institute, cited above, speak of "serious attempts" at the "gradual and progressive codification of international law". The Institute does not believe in hurry. It believes in being thorough and exhaustive and, to that end,



proceeding with deliberation. If its long-term objective is expressed in its motto "*Janina et Pace*", its working motto might well be "*Festina lente*" hasten slowly. Only so can good work lasting work be done. It is better to produce *one* piece of codification that will stand the test of time than, over the same period, to rush out several that will not, and good codification cannot be done quickly there is too much to be found out, too much to be taken into account and thought about, too much to be revised and reconsidered.

There is another very important feature about codification, namely that it is virtually impossible to do it without breaking new ground without to some extent creating new law or at least developing the law, since an attempt at codification always reveals obscurities and deficiencies. This is why codification is usually linked with the idea of progressive development. After more than half a century of experience the Institute came to realize this fact, and at its New York Session in 1929 it formulated a principle of sufficient importance to be quoted in full. "Codification" the Institute said:

*".....must not be limited to formulating the Law of Nations as it is, but must develop it as it ought to be, following out those rules which, in the evolution of international life, are counseled by the interests of humanity and enjoined by morality and justice".*

Therefore, in deciding to review and consolidate the work it had done over the previous years, the Institute stated that in so doing it must endeavour to bring out "those fundamental principles which result from the actual circumstances of the life of people and the development of sentiments of justice in the international consciousness".

On the other hand, the Institute was well aware of certain risks attendant upon codification, and after the last great war, at its Lausanne Session in 1947, shortly before the setting up of the United Nations International Law Commission in 1948, the Institute, mindful of the lessons of the largely abortive Hague Codification Conference of 1930, drew attention to the fact that without extensive prior preparation, attempted codification at the governmental level involved the danger of merely enabling governments to cast doubt upon rules of law previously regarded as established, with the consequent danger of weakening or unsettling the very law which it was the purpose of the codification to clarify and consolidate.

All these ideas foreshadowed, and are indeed precisely those which have informed the methods of work of the International Law Commission of the United Nations, which also proceeds very slowly and deliberately, though of course it operates on a much larger scale. Projects are carefully considered year by year for several years; a provisional draft is then submitted to governments for their comments long before any diplomatic conference is called on the subject, and the draft is then reconsidered in the light of those comments before being finalized by the Commission, after which it is discussed in the Sixth Committee of the United Nations Assembly, again previous to going to a diplomatic conference. The point is that these methods have been, and are, highly successful. They have resulted, over the last 15 years, in about 8 major pieces of codification of different branches of international law which have been embodied in international conventions that have obtained a wide measure of acceptance; and there can be no doubt that those who devised the Statute and working procedures of the Commission in 1948, when it was first constituted, drew inspiration



from the methods and experience of the Institute of International Law, then already three-quarters of a century old. Several of the jurists concerned were themselves members of the Institute. At all times a considerable proportion of the members of the International Law Commission as of the international Court of Justice too sometimes as many as almost half have also been members of the Institute. The interactions thus set up cannot be doubted; and in these facts it is legitimate to see a first and major contribution on the part of the Institute to the development of international law, before even touching upon its substantive work in that field, as exemplified in the long series of resolutions and recommendations it has adopted during its hundred years of existence. But before coming to these, there is one other matter arising out of the origins of the Institute which must be noticed.

### **Differentiation from other Comparable Bodies**

Although the methods of the International Law commission of the United Nations are not unlike those of the Institute, and it also resembles the latter inasmuch as its members serve in their personal capacity, not as representatives of governments, the Commission is radically different in not being a *private* body, but an official organ of an inter-governmental organization, to which its reports and projects are rendered. Consequently, for all practical purposes, there is only one entity in the international legal field that is really comparable to the Institute, in being both a private but also an international, not simply a national, body, namely the one which, since 1895, has been called the International Law Association previously known under the too cumbersome title

of the "Association for the Codification and Reform of the Law of Nations". It was founded a month later than the Institute, in the same year, 1873, and in the same country, Belgium, with a deputation from the Institute attending its inaugural meeting in Brussels. But although this inauguration took place in a European city under a Belgian president, M. Auguste Visschers, the inspiration of the Association was mainly American, whereas that of the Institute was mainly European; and this coincidence in time, and almost in place, of two such bodies with rather similar objects and, up to a point, not dissimilar processes, affords a striking illustration of the phenomenon, already mentioned, of the same idea occurring simultaneously to different people in different countries. There was however a connecting link in the person of the famous David Dudley Field, one of the 11 founding members of the Institute at Ghent, and also President of the New York "International Code Committee" that was responsible for convoking the inaugural Brussels meeting of the International Law Association. He subsequently presided over the Association's second and third Sessions in Geneva and The Hague.

There was one way in which the creation or imminent creation of the International Law Association had an immediate impact on the Institute, by avoiding in one important respect a duplication of function. At its own inaugural meeting at Ghent, the Institute, or rather, at that stage, the founding fathers, had before them an agenda that provided for two main aims:

- a) the constitution of a purely scientific Institute or Academy of International Law, i.e., for the technical juridical formulation of the law; and

- b) an Association for the "progress" of the law of nations by which was meant not so much its formulation as its promotion in the international field and in the relations between States.

The one aim contemplated the *content* of the law, the other its furtherance in the public mind as a body of law. Having regard to the forthcoming setting up of the International Law Association, however, the second of these aims was not proceeded with by the Institute at Ghent. The resulting situation was later on described by Baron Alberic Rolin, who was present at the inaugural Ghent meeting, in a book he wrote on the origins of the Institute in view of its fiftieth anniversary in 1923, he being then its Secretary-General.<sup>9</sup> He said, speaking of the International Law Association's inaugural meeting in Brussels:

*"The Brussels Conference recognized that the Institute was specifically qualified to lay down the scientific foundations of an international code which the [International Law] Association would welcome with high hope ... [But the Association] will above all concern itself with the political and social side, and, from that standpoint, will study the means of bringing about in practice [original italics] the results that seem to it desirable. It will operate upon public opinion and will endeavour to bring influence to bear in representative national quarters and on governments."*

Baron Rolin consequently went on to say:

*"To popularise, to diffuse, to bring into effect, such will be the essential role [of the Association], whereas the Institute will remain on the high and serene pasture of science."*

This then, is one of the chief distinctions between the two bodies, although it would be quite wrong to give the impression that the International Law Association does not also

produce reports, projects and resolutions of great scientific value for it does. But the difference in character is well seen, and strikingly reflected, in the nature of its membership, which constitutes the other chief difference between the two bodies. Whereas membership of the Institute is limited by its Statutes to a figure of about 130, and, to be elected to it, it is necessary not only to be an international lawyer but also to be a highly reputed one,--the Association has a membership of over 4,000 and, to belong to it, it is not necessary to be a lawyer at all, let alone \*international lawyer. To quote the Association's own description of its membership, as given in its year book for 1970, it.

*"...welcomes to its membership not only lawyers, whether or not specialists in International Law, but ship owners, under-writers, merchants, and philanthropists, and receives delegates from affiliated bodies, such as Chambers of Commerce and Shipping, and Arbitration or Peace Societies, thus admitting all who, from whatever point of view, are interested in the improvement of international relations".*

In consequence, the work of the Association has always had a more commercial slant than that of the Institute. As regards the improvement of international relations, the Institute is of course also interested in that, but considers that its special function is to try and promote it through the improvement of international *law*. There we shall leave the matter and, with this bow in the direction of the sister body, turn to the "high and serene" pastures of the Institute, in order to see what is to be found there.

## Members of the Institute of International Law

The Institute of International Law is composed of three categories of Members: Honorary Members, Members, and Associates. There can be no more than a total of 132 Members and Associates under the age of 80.

### *Honorary Members*

The status of Honorary Member may be conferred on:

- Members and Associates;
- Any person who has distinguished himself in the field of international law.

The presentation of candidatures for election as Honorary Member follows the same conditions as for the election of Associates (Art. 8 Rules). Honorary members enjoy the same rights and prerogatives as Members and are exempted from Article 21 of the Statutes relating to absence.

### *Members*

If an Associate has effectively participated in three sessions, he or she becomes a Member. Effective participation means participation in at least half of each of the three sessions in question and contributing substantially to the work of the Institute in Plenary or in Commissions (Art. 4 Statutes).

### *Associates*

Associates are selected by the Institute from among those nations who have given service to international law either in the field of theory or in that of practice. They have the right to speak and

vote, save in respect of elections of Honorary Members, members of the Bureau, and members of the Council of the Auxiliary Foundation (Art. 5 Statutes). Candidates for election as Associates are presented to the Institute in accordance with the conditions as stated in Articles 8 and 9 of the Rules:

- By the national groups for countries with at least three Members or Associates;
- By the Bureau for countries with a total of fewer than three Members and Associates combined and for countries with neither Members nor Associates;
- By three Members or Associates who are nationals from at least three countries without a national group in the same region and who have actually participated in at least two sessions;
- By ten Members or Associates who have actually participated in at least two sessions.

For more information on the voting procedure, which is by secret ballot, please see Article 16 of the Rules.

### *Emeritus Member*

A Member who resigns may be named by the Bureau as an 'Emeritus Member of the Institute of International Law' if he or she has participated effectively in the work of the Institute during at least five sessions (Art. 22 Statutes).





## Members for the Hyderabad Session

Following is the list of dignitaries who were the members of the Institute in various capacities i.e. Honorary, Titular and Associate for the year 2015-2017 and were entitled to attend the Session of Hyderabad.

Name	Designation	Nationality
<b>Georges Michel Abi-Saab</b>	Honorary Professor of International Law at the Graduate Institute of International and Development Studies, Geneva and Member of the WTO Appellate Body.	<b>Egypt</b>
<b>Stanimir Alexandrov</b>	Professorial Lecturer of Law, The George Washington University Law School	<b>Bulgaria</b>
<b>Alvarez Jose</b>	Herbert and Rose Rubin Professor of International Law and Hamilton Fish Professor of International Law and Diplomacy, Columbia Law School.	<b>USA</b>
<b>Chittharanjan Felix Amerasinghe</b>	Sometime Judge, UN Tribunal, New York; Judge, Commonwealth Secretariat Tribunal; Registrar World Bank Tribunal;	<b>Sri Lanka</b>
<b>Gaetano Arangio- Ruiz</b>	Professor of International Law at the Faculty of Law of the University of Rome and Former Member of the United Nations International Law Commission	<b>Italian</b>
<b>Jean-Michel Arrighi</b>	Professor of Public International Law, University of Uruguay and Secretary for Legal Affairs of the Organization of American States	<b>Uruguay</b>
<b>Mme Mahnoush Arsanjani</b>	Member : New York and Connecticut Bars and Judge, World Bank Administrative Tribunal	<b>Iran</b>
<b>Bernard Audit</b>	Professor Emeritus of the University of Paris II	<b>France</b>
<b>Basedow Jürgen</b>	Professor and Director, Max Planck Institute for Foreign and International Private Law, Hamburg	<b>Germany</b>
<b>Mme Geneviève Bastid-Burdeau</b>	Professor at the Panthéon-Sorbonne University (Paris I)	<b>France</b>
<b>Mohamed Bennouna</b>	Associate Professor of International Law and Judge at the International Court of Justice in The Hague	<b>Morocco</b>
<b>Benvenisti Eyal</b>	Anny and Paul Yanowicz Professor of Human Rights, Tel Aviv University	<b>Israel</b>

<b>Rudolf Bernhardt</b>	Former President of the European Court of Human Rights; Professor Emeritus of Law, University of Heidelberg and Director Emeritus of the Max-Planck Institute of Comparative Public Law	<b>Germany</b>
<b>Michael Bogdan</b>	Professor of comparative and private international law, University of Lund (Sweden)	<b>Sweden / Slovakia</b>
<b>Mme Alegría Borrás</b>	Professor (Catedrática) of Private International Law, University of Barcelona	<b>Spain</b>
<b>Mme Boisson De Chazournes Laurence</b>	Professor of Law at the University of Geneva and Member of the Board of Directors of the Master in International Dispute Settlement (MIDS - Graduate Institute of International Studies)	<b>France</b>
<b>Bengt Broms</b>	Professor Emeritus of Public International Law and Constitutional Law, University of Helsinki; Former President of the International Law Association; Member of the Permanent Court of Arbitration; Judge of the Iran-US Claims Tribunal, The Hague.	<b>Finland</b>
<b>Andreas Bucher</b>	Honorary Professor, University of Geneva	<b>Swiss</b>
<b>Buergenthal Thomas</b>	Professor and Former Judge, International Court of Justice.	<b>USA</b>
<b>Lucius Caflisch</b>	Teacher. em. IHEID and Member of the International Law Commission	<b>Swiss</b>
<b>Hugo Caminos</b>	Professor Emeritus of International Law, University of Buenos Aires; Judge at the International Tribunal for the Law of the Sea	<b>Argentina</b>
<b>Antônio A. Cançado Trindade</b>	Judge of the International Court of Justice and Former President of the Inter-American Court of Human Rights	<b>Brazil</b>
<b>Caron David</b>	Judge with the Iran - United States Claims Tribunal in the Hague and as Professor of International Law at King's College London.	<b>USA</b>
<b>Charlesworth Hilary</b>	Director, Centre for International Governance and Justice, Professor & ARC Laureate Fellow, ANU College of Asia and the Pacific	<b>Australia</b>
<b>Chimni Bhupinder Singh</b>	Professor, Centre for International Legal Studies and School of International Studies, JNU	<b>India</b>
<b>Cisse Abdoullah</b>	Professor at the Cheikh Anta Diop University in Dakar and at the Gaston Berger University of Saint-Louis of Senegal, President of AFRICALEGIS	<b>Senegal</b>
<b>The Lord Collins Of Mapesbury; Lawrence Collins</b>	Justice of the Supreme Court, London; Fellow, Wolfson College, Cambridge and Visiting Professor, Queen Mary, University of London	<b>United Kingdom</b>

<b>James Richard Crawford</b>	Whewell Professor of International Law and Director, Lauterpacht Research Centre for International Law.	<b>Australia</b>
<b>Mme Lori Damrosch</b>	Henry L. Moses Professor of Law and International Organization, Columbia University Law School and Co-Editor in Chief of American Journal of International Law	<b>USA</b>
<b>D'argent Pierre</b>	Professor of Public International Law at the University of Louvain (UCL)	<b>Belgium</b>
<b>Vladimir-Djuro Degan</b>	Director of the Adriatic Institute of the Croatian Academy of Sciences and Fine Arts of Zagreb	<b>Croatia</b>
<b>Yoram Dinstein</b>	Stockton Professor at the UN Naval War College and Former President, Tel Aviv University	<b>Israel</b>
<b>Christian Jules Dominicé</b>	Honorary Professor of the University of Geneva and the Graduate Institute of International and Development Studies, Geneva	<b>Swiss</b>
<b>Dogauchi, Masato</b>	Professor, Waseda University Law School.	<b>Japan</b>
<b>John Dugard</b>	Professor of Public International Law, University of Leiden, The Netherlands	<b>South Africa</b>
<b>Dupuy Pierre-Marie</b>	Professor at the University of Paris (Panthéon-Assas) and Professor at the Institute of Higher International Studies and Development of Geneva	<b>France</b>
<b>Elias Olufemi</b>	Registrar of International Residual Mechanism for Criminal Tribunals	<b>Nigeria</b>
<b>Ahmed Sadek El-Kosheri</b>	Former Professor of Law, Ain Shans / Senghor University of Alexandria	<b>Egypt</b>
<b>Johan A. Erauw</b>	Dr. Iuris (Ghent University); Dr. h.c. (East China University) and Independent Arbitrator	<b>Belgium</b>
<b>Ibrahim Fadlallah</b>	Professor Emeritus of the University of Paris X	<b>Lebanon</b>
<b>Fernández Rozas José Carlos</b>	Professor (professor) of private international law and Director of the Department of Public International Law and Private International Law of the Complutense University of Madrid	<b>Spain</b>
<b>Lady Hazel Fox</b>	Lady Fox CMG QC; Formerly Director of the British Institute of International and Comparative Law and Hon. Fellow, Somerville College, University of Oxford	<b>United Kingdom</b>
<b>Francioni Francesco</b>	Professor of international law and human rights and Director of the European Law Academy, European University Institute, Florence.	<b>Italian</b>

<b>Jochen Abr. Frowein</b>	Teacher. Dr. Dres. h.c. ; M.C.L. ; Director Emeritus of the Max Planck Institute of Comparative Public Law and International Law	<b>Germany</b>
<b>Giorgio Gaja</b>	Professor of International Law at the University of Florence and Member of the International Law Commission	<b>Italian</b>
<b>Gannage Léna</b>	Professor of Private Law, University of Paris II, Pantheon-Assas	<b>Lebanon</b>
<b>Pierre Gannagé</b>	Honorary Professor, Faculty of Law and Political Science, St Joseph University, Beirut; Corresponding member of the Academy of Moral and Political Sciences	<b>Lebanon</b>
<b>Mme Hélène Gaudemet-Tallon</b>	Professor Emeritus of the University Paris 2	<b>France</b>
<b>Andrea Giardina</b>	Professor, Università degli Studi di Roma, "La Sapienza"	<b>Italian</b>
<b>Greenwood Christopher</b>	Judge, International Court of Justice	<b>United Kingdom</b>
<b>Gilbert Guillaume</b>	Judge and former President of the International Court of Justice	<b>France</b>
<b>Gerhard Hafner</b>	Professor, Faculty of Law, University of Vienna	<b>Austria</b>
<b>Dame Rosalyn Higgins</b>	Professor of International Law and Judge, International Court of Justice, The Hague	<b>United Kingdom</b>
<b>Mme Maria Terresa Infante Caffi</b>	Professor, University of Chile	<b>Chile</b>
<b>Mme Jeannette Irigoien-Barrenne</b>	Professor of International Law; National Academy of Political and Strategic Studies; Ministry of Defense and Former Director International Studies Institute; University of Chile.	<b>Chile</b>
<b>Iwasawa Yuji</b>	Professor of International Law, Faculty of Law, University of Tokyo	<b>Japan</b>
<b>Erik Jayme</b>	Dr.iur (München); Dr.h.c. (Budapest); Dr.h.c. (Ferrara); LL.M. (Berkeley); Dr.h.c. (Monpellier); Dr.h.c. Porto Alegre (UFRGS); Professor Emeritus and Vice-President of the Curatorium of the Academy of International Law	<b>Germany</b>
<b>Maurice Kamto</b>	Professor at the Faculty of Law, University of Cameroon and Member of the Law Commission	<b>Cameroon</b>
<b>James Kateka</b>	Judge, International Tribunal for the Law of the Sea.	<b>Tanzania</b>
<b>Mojtaba Kazazi</b>	Executive Head, United Nations Compensation Commission and Former Counsel and Chief Negotiator on claims before Iran - US Claims Tribunal	<b>Iran</b>
<b>Sir Kenneth Keith</b>	Judge at the International Court of Justice, The Hague	<b>New Zealand</b>
<b>Philippe Kirsch</b>	Former judge and President of the International Criminal Court and Former juris-consult of the Department of Foreign Affairs and International Trade of Canada.	<b>Canada / Belgium</b>
<b>Swan Sik Ko</b>	Doctor of Law and Emeritus professor of international law	<b>Indonesia</b>

<b>Marcelo Kohen</b>	Professor of International Law, The Graduate Institute of International Studies, University of Geneva	<b>Argentina</b>
<b>Kolodkin Roman Anatolyevitch</b>	Ambassador of the Russian Federation to the Kingdom of the Netherlands and Special rapporteur International Law Commission.	<b>Russia</b>
<b>Abdul G. Koroma</b>	Former Judge, International Court of Justice	<b>Sierra Leone</b>
<b>Koskenniemi Martti</b>	Professor of International Law, University of Helsinki; Hauser Global Professor of Law, New York University, School of Law	<b>Finland</b>
<b>Kwakwa Edward</b>	Legal Counsel, World Intellectual Property Organization (WIPO)	<b>Ghana / USA</b>
<b>Paul Lagarde</b>	Professor Emeritus of the University of Paris I and Secretary-General of the International Commission on Civil Status	<b>France</b>
<b>Mme Vanda Lamm</b>	Professor, Institute for Legal Studies, Hungarian Academy of Sciences	<b>Hungary</b>
<b>Kazimierz Lankosz</b>	Professor of International Law	<b>Poland</b>
<b>Lee Roy</b>	Professor of Law, Columbia University Law School	<b>China</b>
<b>Liu Daqun</b>	Judge of the Appeals Chamber of the International Tribunal for former Yugoslavia and Former Ambassador of the People's Republic of China	<b>China</b>
<b>Liu Zhenmin</b>	Ambassador and Permanent Representative of China to UNOG	<b>China</b>
<b>Alan Vaughan Lowe</b>	QC, Chichele Professor of Public International Law, University of Oxford; Fellow of All Souls College, Oxford	<b>United Kingdom</b>
<b>Ahmed Mahiou</b>	Professor of Law; Director of Research Emeritus at the CNRS and Former Dean of the Faculty of Law of Algiers; Former member of the International Law Commission	<b>Algeria</b>
<b>Makovsky Alexandre</b>	Professor, Scientific Center of Private Law with the President of the Federal	<b>Russia</b>
<b>Mälksoo Lauri</b>	Professor of International Law at the University of Tartu	<b>Estonia</b>
<b>Marotta Rangel Vincente</b>	Professor Emeritus, Faculty of Law, University of São Paulo; Member of the International Tribunal for the Law of the Sea and Former Legal Adviser of the Ministry of Foreign Affairs (Brazil)	<b>Brazil</b>
<b>Matscher Franz</b>	Professor Emeritus, Faculty of Law, University of Salzburg and Former judge of the European Court of Human Rights in Strasbourg	<b>Austria</b>
<b>Pierre Mayer</b>	Professor at the University of Paris I (Panthéon - Sorbonne);	<b>France</b>
<b>John David McClean</b>	Dean of the Faculty of Law, University of Sheffield	<b>United Kingdom / Ireland</b>
<b>Mclachlan Campbell</b>	Professor School of Law, Victoria, University of Wellington	<b>New Zealand</b>



<b>Mcrae Donald</b>	Hyman Soloway Professor of Business and Trade Law, University of Ottawa; Fellow of the Royal Society of Canada; and Member, International Law Commission.	<b>Canada / New Zealand</b>
<b>Thomas Aboagye Mensah</b>	Former Judge and President, International Tribunal for the Law of the Sea and Former Assistant Secretary-General, International Maritime Organization	<b>Ghana</b>
<b>Theodor Meron</b>	Judge and President, International Criminal Tribunal for former Yugoslavia (ICTY)	<b>USA</b>
<b>Merrills John Graham</b>	Emeritus professor of International Law, Sheffield University.	<b>United Kingdom</b>
<b>Mezghani Ali</b>	University Professor (retired)	<b>Tunisia</b>
<b>Mikulka Václav</b>	Former Director of the United Nations Codification Division and Member (former) of the International Law Commission	<b>Czech republic</b>
<b>Djamchid Momtaz</b>	Professor at the University of Tehran and Jurisconsult, Iranian Ministry of Foreign Affairs	<b>Iran</b>
<b>Rui Manuel Moura Ramos</b>	Professor at the Faculty of Law of the University of Coimbra; Vice-President of the Portuguese Constitutional Court	<b>Portugal</b>
<b>Muir Watt Horatia</b>	Professor of Private International Law and Comparative Law at the School of Law of Sciences in Paris	<b>France</b>
<b>Rein Müllerson</b>	Rector, University Nord, Tallinn; Professor of International Law and Former Deputy Foreign Minister of the Republic of Estonia	<b>Estonia</b>
<b>Murase Shinya</b>	Professor, Sophia University Faculty of Law; Member, International Law Commission and Member, Curatorium, The Hague Academy of International Law.	<b>Japan</b>
<b>Rafael Nieto-Navia</b>	Distinguished Professor of Public International Law, Universidad Javeriana, Bogota; Judge of a Chamber of the UN Criminal Tribunal for the former Yugoslavia; Judge and President of the Inter-American Court of Human Rights;	<b>Columbia</b>
<b>Nolte Georg</b>	Professor of public international law at the Humboldt University of Berlin and is a member of the UN's International Law Commission.	<b>Germany</b>
<b>Sir Peter M. North</b>	Principal of Jesus College, Oxford	<b>United Kingdom</b>
<b>Novak Talavera Fabián</b>	Professor of International Law and Director of International Studies Institute at the Pontifical Catholic University of Peru	<b>Peru</b>
<b>Oda Shigeru</b>	Former member of the International Court of Justice (1976-2003); Professor Emeritus of the Tohoku University (Sendai); President of the Japan Branch of the International Law Association	<b>Japan</b>
<b>Francisco Orrego Vicuna</b>	International Law (London School of Economics and Political Science) and Avocat.	<b>Chile</b>
<b>Hisashi Owada</b>	Judge; President of the International Court of Justice; Member of the Permanent Court of Arbitration; Professor of International Law at New York University Global Law School	<b>Japan</b>
<b>Oxman, Bernard H.</b>	Richard A. Hausler Professor of Law, University of Miami School of Law.	<b>USA</b>

<b>Paik Jin-Hyun</b>	Member, International Tribunal for the Law of the Seas	<b>Republic of Korea</b>
<b>Alain Pellet</b>	Professor at the University Paris Ouest, Nanterre-La Défense	<b>France</b>
<b>Paolo Picone</b>	Professor of International Law, Faculty of Law, "La Sapienza" University, Rome	<b>Italian</b>
<b>Pinto Monica</b>	Dean of the Law School and Professor, University of Buenos Aires Law School	<b>Argentina</b>
<b>Moragodage Christopher Pinto</b>	Attorney of the Supreme Court of Sri Lanka of the Inner Temple; Barrister and Secretary General of the Iran - United States Claims Tribunal (1982 to date)	<b>Sri Lanka</b>
<b>Fausto Pocar</b>	Judge of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda	<b>Italian</b>
<b>Raymond Ranjeva</b>	Judge of the International Court of Justice	<b>Madagascar</b>
<b>Pemmaraju Sreenivasa Rao</b>	Special Adviser to the Attorney General, Doha, Qatar	<b>India</b>
<b>Reinisch August</b>	Professor of international and European law at the University of Vienna; Head of the Section of International Law and International Relations, University of Vienna (since 2005)	<b>Austria</b>
<b>Michael Reisman</b>	Myres S. McDougal Professor of Law, Yale Law School	<b>USA</b>
<b>Antonio Remiro Brotons</b>	Professor of Public International Law at the Autonomous University of Madrid	<b>Spain</b>
<b>Georg Ress</b>	Professor Emeritus of the University of the Saar; Professor of international law at the Jacobs University in Bremen	<b>Germany</b>
<b>Natalino Ronzitti</b>	Professor of International Law, LUISS G. Carli University, Rome	<b>Italian</b>
<b>Emmanuel Roucouas</b>	Professor Emeritus of the University of Athens and Former member of the International Law Commission and the Committee against Racial Discrimination	<b>Greece</b>
<b>Christos L. Rozakis</b>	Professor of Public International Law, School of Law and Economics and Politics, University of Athens and Judge and First Vice-President, European Court of Human Rights, Strasbourg.	<b>Greece</b>
<b>Walter Rudolf</b>	Professor Emeritus of Public International Law and German Public Law at the University of Mainz; Former Director-General of the Ministry of Justice Rhineland-Palatinate	<b>Germany</b>
<b>Milan Sahovic</b>	Professor Emeritus; Former Director of the Institute of International Politics and Economics, Belgrade and Former member and Chairman of the United Nations International Law Commission	<b>Serbia</b>
<b>Jean Salmon</b>	Professor Emeritus of the Free University of Brussels; President Emeritus of the Center for International Law (ULB) and Member of the Permanent Court of Arbitration	<b>Belgium</b>
<b>Nicolaas Jan Schrijver</b>	Professor; President of the Netherlands Society of International Law; Member of the Permanent Court of Arbitration, The Hague	<b>Netherlands</b>

<b>Stephen M. Schwebel</b>	President of the World Bank Administrative Tribunal and as a member of the U.S. national group at the Permanent Court of Arbitration	<b>USA</b>
<b>Bernardo Sepúlveda-Amor,</b>	Judge, International Court of Justice	<b>Mexico</b>
<b>Shaw Malcolm N.</b>	Research Professor in International Law, University of Leicester; and Senior Fellow, Lauterpacht Research Centre for International Law, University of Cambridge.	<b>United Kingdom</b>
<b>Sicilianos Linos-Alexandre</b>	Judge at the European Court of Human Rights; Professor at the University of Athens; and Member of the Curatorium of the Academy of International Law, The Hague	<b>Greece</b>
<b>Simma Bruno</b>	Former Judge, International Court of Justice	<b>Germany / Austria</b>
<b>Soons Alfred H. A.</b>	Professor, Institute of Public International Law, Utrecht University	<b>Netherlands</b>
<b>Mme Brigitte Stern</b>	Professor Emeritus, University of Paris I-Panthéon Sorbonne; Knight of the Legion of Honour and Officer of the National Order of Merit	<b>France</b>
<b>Surya P. Subedi</b>	Professor of International Law, Faculty of Education, Social Sciences and Law, University of Leeds	<b>India</b>
<b>Symeonides, Symeon</b>	Alex L. Parks Distinguished Professor of Law and Dean Emeritus	<b>USA and Cyprus</b>
<b>Eric Suy</b>	Professor Emeritus of the University of Leuven; Former Under-Secretary-General and Legal Counsel of the United Nations and Former Director-General of the United Nations Office at Geneva.	<b>Belgium</b>
<b>Daniel Thürer</b>	Professor of public international, European, Swiss and comparative constitutional law, University of Zürich	<b>Swiss</b>
<b>Tomka Peter</b>	President of the International Court of Justice; Member of the Permanent Court of Arbitration and of the Curatorium of the Hague Academy of International Law.	<b>Slovakia</b>
<b>Christian Tomuschat</b>	Prof. Dr., Dr. h.c and Former Member and President of the International Law Commission	<b>Germany</b>
<b>Santiago Torres Bernárdez</b>	Former Registrar and ad hoc judge at the International Court of Justice.	<b>Spain</b>
<b>Tullio Treves</b>	Professor of International Law at the Faculty of Law, University of Milan; and Judge at the International Tribunal for the Law of the Sea;	<b>Italian</b>
<b>Yogesh K. Tyagi</b>	Dean and Professor of International Law, School of International Studies; Jawaharlal Nehru University	<b>India</b>

<b>Van Houtte Hans</b>	President of the Iran - United States Claims Tribunal.	<b>Belgium</b>
<b>Hans Van Loon</b>	Secretary General of the Hague Conference on Private International Law and Doctor <i>honoris causa</i> , University of Osnabrück	<b>Netherlands</b>
<b>Joe Verhoeven</b>	Professor at the University of Paris II; Extraordinary Professor at the Catholic University of Louvain and Member of the Permanent Court of Arbitration	<b>Belgium</b>
<b>Raúl Emilio Vinuesa,</b>	Professor of Public International Law, University of Buenos Aires and Member of the Panel of Arbitration MERCOSUR	<b>Argentina</b>
<b>Budislav Vukas</b>	Professor of Public International Law at the Faculty of Law of the University of Zagreb; Former Judge and Vice-President of the International Tribunal for the Law of the Sea	<b>Croatia</b>
<b>Wolfrum Rüdiger</b>	President of the International Tribunal for the Law of the Sea.	<b>Germany</b>
<b>Xue Hanqin (Mme)</b>	Judge, International Court of Justice	<b>China</b>
<b>Yankov Alexander</b>	Professor of Law; and Judge at the International Tribunal for the Law of the Sea	<b>Bulgaria</b>
<b>Yee Sienho</b>	Changjiang Xuezheng Professor and Chief Expert, Wuhan University Institute of International Law and Editor-in-chief, Chinese Journal of International Law (Oxford)	<b>China</b>
<b>Yusuf Abdulqawi A.</b>	Judge, International Court of Justice	<b>Somalia</b>

### **Legal Status of the Resolutions:**

The resolutions of the Institute are of normative character. Once adopted, the resolutions are brought to the attention of the governmental authorities, international organizations as well as the scientific community. In this way, the Institute seeks to highlight the characteristics of the *lex lata* in order to promote its respect. Sometimes it makes determinations *de lege ferenda* in order to contribute to the development of international law.

### **Contribution of IDI to Development of International Law**

The Institute of International Law (*Institut de Droit international*) was founded on 8 September 1873 in Ghent (Belgium) by eleven personalities who, at that time, contributed the most to international law on the theoretical and practical level. Since then, our institution has largely expanded to cover all regions of the world today. In fact, the Institute of International

Law, composed of well-known jurists, works on the development of international law, mainly through the study of major questions of public and private international law and the elaboration of resolutions relating thereto which are considered by States, international organizations and the academic world to be of great value.

Being totally independent and relying on the pluralism of its composition, the Institute works to protect itself from financial or other state pressure. Its sole purpose is to contribute to the improvement of, and respect for, the international legal system by raising awareness of the values of the international community: justice and peace. Since 1873, the Institute meets once in every two years and discusses and deliberates upon various aspects of international law and emerging issues therein and adopts resolutions. Following is the list of resolutions adopted by the Institute in ascending order from 2017 to 1961.

## Resolutions adopted by the Institute of International Law

Name of the Res olution	Place of Adoption and Year
Mass Migrations	Hyderabad - 2017
Review of Measures Implementing Decisions of the Security Council in the Field of Targeted Sanctions	Hyderabad - 2017
Provisional measures	Hyderabad - 2017
The Legal Regime of Wrecks of Warships and Other State-owned Ships in International Law	Tallinn - 2015
Universal Civil Jurisdiction with regard to Reparation for International Crimes	Tallinn - 2015
Succession of States in Matters of International Responsibility	Tallinn - 2015
Legal Aspects of Recourse to Arbitration by an Investor against the Authorities of the Host State under Inter-state Treaties	Tokyo - 2013
Present Problems of the Use of Armed Force in International Law – Sub-group D: Authorization of the Use of Force by the United Nations	Rhodes - 2011
Present Problems of the Use of Armed Force in International Law – Sub-group C: Military assistance on request	Rhodes - 2011
The Position of the International Judge	Rhodes - 2011
Resolution on the Immunity from Jurisdiction of the State and of Persons Who Act on Behalf of the State in case of International Crimes	Naples - 2009
Present Problems of the Use of Armed Force in international Law – Humanitarian action	Santiago - 2007
Present Problems of the Use of Armed Force in International Law – Self-defence	Santiago - 2007
Substitution and Equivalence in Private International Law	Santiago - 2007
Universal criminal jurisdiction with regard to the crime of genocide, crimes against humanity and war crimes	Krakow - 2005

Cultural differences and order public in family private international law	Krakow - 2005
Obligations and rights <i>erga omnes</i> in international law	Krakow - 2005
Humanitarian Assistance	Bruges - 2003
Arbitral settlement of international disputes other than between States involving more than two parties	Bruges - 2003
The principles for determining when the use of the doctrine of forum non <i>conveniens</i> and anti-suit injunctions is appropriate	Bruges - 2003
Immunities from Jurisdiction and Execution of Heads of State and of Government in International Law	Vancouver - 2001
State Succession in Matters of Property and Debts	Vancouver - 2001
The Application of International Humanitarian Law and Fundamental Human Rights, in Armed Conflicts in which Non-State Entities are Parties	Berlin - 1999
Taking Foreign Private International Law to Account	Berlin - 1999
Procedures for the Adoption and Implementation of Rules in the Field of Environment	Strasbourg - 1997
Responsibility and Liability under International Law for Environmental Damage	Strasbourg - 1997
Environment	Strasbourg - 1997
The Teaching of Public and Private International Law	Strasbourg - 1997
The Legal Consequences for Member States of the Non-fulfilment by International Organizations of their Obligations toward Third Parties	Lisbon - 1995
Problems Arising from a Succession of Codification Conventions on a Particular Subject	Lisbon - 1995
Obligations of Multinational Enterprises and their Member Companies	Lisbon - 1995
The Activities of National Judges and the International Relations of their State	Milan - 1993
The International Sale of Works of Art from the Angle of the Protection of the Cultural Heritage	Basel - 1991
Contemporary Problems Concerning the Immunity of States in Relation to Questions of Jurisdiction and Enforcement	Basel - 1991



The Autonomy of the Parties in International Contracts Between Private Persons or Entities	Basel - 1991
Non-appearance Before the International Court of Justice	Basel - 1991
The Protection of Human Rights and the Principle of Non-intervention in Internal Affairs of States	Saint-Jacques-de-Compostelle - 1989
Arbitration Between States – State Enterprises – or State Entities – and Foreign Enterprises	Saint-Jacques-de-Compostelle - 1989
Equality of Treatment of the Law of the Forum and of Foreign Law	Saint-Jacques-de-Compostelle - 1989
Judicial and Arbitral Settlement of International Disputes Involving More Than Two States	Berlin - 1999
Trans-boundary Air Pollution	Cairo - 1987
The Elaboration of General Multilateral Conventions And of Non-contractual Instruments Having a Normative Function or Objective	Cairo - 1987
The Duality of the Nationality Principle and the Domicile Principle in Private International Law	Cairo - 1987
The Effects of Armed Conflicts on Treaties	Helsinki - 1985
The Law Applicable to Joint International State or Quasi-State Enterprises of an Economic Nature	Helsinki - 1985
The Law Applicable to Certain Effects of a Marriage After its Dissolution	Helsinki - 1985
New Problems of Extradition	Cambridge - 1983
International Texts of Legal Import in the Mutual Relations of their Authors and Texts Devoid of Such Import	Cambridge - 1983
The Conflict-of-laws Rules on Unfair Competition	Cambridge - 1983
The Problem of Choice of Time in Private International Law	Dijon - 1981
The Scope of Application of Rules of Conflict of Law or of Uniform Substantive Law Contained in Treaties	Dijon - 1981
Teaching of International Law	Athens - 1979
The Pollution of Rivers and Lakes and International Law	Athens - 1979
The Proper Law of the Contract in Agreements Between a State and a Foreign Private Person	Athens - 1979

Contracts Concluded by International Organizations with Private Persons	Oslo - 1977
Multinational Enterprises	Oslo - 1977
Public Law Claims Instituted by a Foreign Authority or a Foreign Public Body	Oslo - 1977
The Principle of Non-Intervention in Civil Wars	Wiesbaden - 1975
The Application of Foreign Public Law	Wiesbaden - 1975
Conditions of Application of Rules, other than Humanitarian Rules, of Armed Conflict to Hostilities in which United Nations Forces may be engaged	Wiesbaden - 1975
The Inter-temporal Problem in Public International Law	Wiesbaden - 1975
The Effects of Adoption in Private International Law	Rome - 1973
Recommendation on the Teaching of International Law at Universities	Rome - 1973
The Application of the Rules of the General International Law of Treaties to International Agreements Concluded by International Organizations	Rome - 1973
Unlawful Diversion of Aircraft	Zagreb - 1971
Conditions of Application of Humanitarian Rules of Armed Conflict to Hostilities in which United Nations Forces May be Engaged	Zagreb - 1971
Conflicts of Laws in the Field of Labour Law	Zagreb - 1971
Forwarding Agency Contracts in Private International Law	Zagreb - 1971
Delictual Obligations in Private International Law	Edinburgh - 1969
Measures Concerning Accidental Pollutions of the Seas	Edinburgh - 1969
The Most Favoured Nation Clause in Multilateral Conventions	Edinburgh - 1969
The Distinction Between Military Objectives and Non-Military Objects in General and Particularly the Problems Associated with Weapons of Mass Destruction	Edinburgh - 1969
Termination of Treaties	Nice - 1967
Testamentary Succession in Private International Law	Nice - 1967
Companies in Private International Law	Warsaw - 1965
The National Character of an International Claim Presented by a State for Injury Suffered by an Individual	Warsaw - 1965
The Legal Regime of Outer Space	Brussels - 1963
Conflicts of Laws in the Law of the Air	Brussels - 1963
International Conciliation	Salzburg - 1961



## Consultative status at United Nations

In 2017, the consultative status of the Institute of International Law with the Economic and Social Council has been reclassified from special to general. This means that the Institute is considered as an organization that is 'concerned with most of the activities of the Council and its subsidiary bodies and can demonstrate to the satisfaction of the Council that they have substantive and sustained contributions to make to the achievement of the objectives of the United Nations in fields set out in paragraph 1 above, and are closely involved with the economic and social life of the peoples of the

areas they represent and whose membership, which should be considerable, is broadly representative of major segments of society in a large number of countries in different regions of the world shall be known.' (Para 22 of ECOSOC resolution 1996/31).

This consultative status allows members of the Institute to sit as observers at public meetings of the commissions and other subsidiary organs of the Council as authorized representative of the Institute. More information can be found on the website of the NGO Branch, Office for ECOSOC Support and Coordination, UN DESA, including the calendar of upcoming events.





# **CHAPTER - 2**

## **NALSAR'S PROPOSAL AND ACCEPTANCE BY THE INSTITUTE**

## About NALSAR



NALSAR University of Law was established by Act 34 of 1998 with the aim of creating a pace-setter for legal education reforms and to produce “*professionally competent, technically sound and socially relevant lawyers*”. The University is recognised by the University Grants Commission under Section 2(f) (04/06/1999) and 12B (22/07/2004). University also has approval of the Bar Council of India (BCI). NALSAR has been unequivocally acknowledged as the leader of legal education in the country with its academic standards being comparable to best institutions of legal education in the world. In recognition of its academic standards National Assessment and Accreditation Council (NAAC) awarded it 'A' grade (A+ as per the new grading system) with a high score of 3.60 out of 4.00 which is the highest amongst National Law Universities.

In pursuance to its mission and vision, the University also strives to promote legal awareness in the community for achieving social and economic justice and to improve the ability of the public to objectively analyse contemporary issues of public concern and appreciate their legal implications. NALSAR's curriculum has been designed keeping in view these lofty ideals. We have been taking positions on all issues of contemporary relevance and contribute in enriching the public discourse on legal issues of contemporary relevance. Its stated goal of producing socially relevant lawyers is consistent with the aforesaid objects of the University.

NALSAR focuses on creating a socially responsible students that works on giving back to society. As an institute of global legal excellence



it is committed to producing lawyers who are both legally competent and socially relevant. This allows the University to create its own projects and to take up initiatives which are not only academically stimulating but also socially beneficial. The path towards achieving this is already underway. The challenge for this Law School is to stay ahead especially in the context of globalization.

The University has the social responsibility of continuing to be a Centre of Excellence in the field of legal education, a position that it came to occupy within the first ten years of its existence itself owing largely to the dedicated efforts of the Faculty and students during those initial and formative years. Globalization has thrown up new challenges, and the professional legal education has to cater to the growing demand for skilled legal professionals who can effectively function in the emerging legal order. NALSAR, for sure, has not forgotten the same. The idea of giving back to society is instilled in the young

minds of future lawyers in the form of the 'social responsibility' and is nurtured to result in the formation of lawyers who give importance to becoming helping hands to the society in any way possible.

NALSAR has always been a front runner in the country as far as organization of international and national conferences is concerned. It has hosted numerous leading stalwarts in the field of academics, politics and social philanthropists. The same was highlighted in the Proposal submitted to the Institute of International Law proposing for hosting their Session of 2017 in Hyderabad, Telangana State, India.

To name a few, NALSAR has organized, One Day International Conference on Water Sharing in SAARC Region: Legal Issues and Challenges (2017), Two Day International Conference on India & Ireland Policy Encounter: Respecting Voice and Choice for People with Disabilities in India & Ireland (2014), Two-Day International





Conference on Regional Economic Co-operation SAARC: Problems and Prospects for Investments (2013), One Day International Conference on Contemporary Issues in Space Law: Asia-Pacific perspective (2012), Two Day International Conference on “Promoting Intra-regional Trade in South Asia - Role of SAARC (2011), South Asian Teaching Sessions (2009), (2008), (2007), International Conference on Impact of TRIPS INDO-US Exchange (2006).

Similarly, NALSAR has also organized numerous successful and prestigious international moot court competitions like the final of 16th Manfred Lachs Space Law Moot Court Competition, wherein Thier Excellences Judge Abdul G. Koroma, Judge Hisashi Owada and Judge Peter Tomka judged the final rounds of the competition. NALSAR has also organized the Asia Pacific Rounds of the same competition in 2012.

Hence, keeping this experience in mind, NALSAR entered the bidding process for hosting the 78<sup>th</sup> Session of Institute of International Law at Hyderabad.

## **Need for India to Host the prestigious IDI Session**

In its proposal, NALSAR highlighted the reasons for the Institute to hold its next prestigious session in India. In particular it focused on the leading role India has taken in the changing dynamics of world politics and international relations. India, often referred to as the '*sleeping giant*', is today the third largest market in the world when GDP is measured on the scale of purchasing power parity. India's transformation from a '*working power*', based on a huge supply of low-cost labor, to a '*brain power*' of highly skilled and educated workers has been remarkable. Certainly, for a country that represents one sixth of the world's population, India still remains a modest player in the global economy.

India's contribution in the field of development of an international legal regime has also been remarkable. Its efforts to remove colonialism, apartheid, global economic inequality, etc. are the hallmarks of its contributions. Currently its role in the evolving international regimes of





international trade, international patents, space and maritime laws, just to name a few, is significant. On the other hand, its efforts to reform international organizations like the United Nations and to ensure permanent membership in the Security Council for countries which have made significant contributions to the realization of the purpose and principles of the United Nations indicate its commitment to work for more democratic international legal institutions.

Indian contribution to the field of International Law has been immense. India has produced several lawyers, jurists and intellectuals who have played an important role in the fight against colonialism, apartheid and global economic inequality as also in providing a developing world perspective to the discourse of International Law and Human Rights. It played a very active and positive role in the United Nations. Non-aligned to any of the power blocs, and claiming to be on good terms with all of them, it acted as a mediator and helped reach agreements in several disputes, such as Korea, Suez crisis, Congo and Rhodesia.

The strong will power and India's position in global economics has been further highlighted

and showcased at the global sphere with the advent of the new economic policies. Indian policies became more positive about promoting exports and allowing foreign capital to participate in the process of India's growth. The unprecedented expansion of their economic and power capabilities raises profound questions for scholars and policymakers. The interplay of socio-historical, political, and economic forces has transformed these once poor agrarian societies into economic powerhouses. Yet, globalization is hardly a seamless process, as the vagaries and uncertainties of globalization also present risks and challenges.

### **Infrastructural Capacity of NALSAR**

Under this component, we projected the then existing Infrastructural capacity of NALSAR, showcasing our capacity to host the prestigious session of the Institute. The same has been presently briefly:

University Auditorium: This can be used for the Opening and Closing Ceremony of the Session

The centrally air conditioned University Auditorium has a seating capacity of close to 1000 people. Equipped with Wi-Fi with IEEE .ac technology, the auditorium also has Short throw





**R.N. Jhunhunwala Conference Hall**

Projector Facilities with remote navigation and controlling facility with laptop interfacing of VGA, HDMI, USB and also wireless enabled. Its Audio-Visual facilities are enabled with Projector and High end digital sound system which is integrated with Control panel system for more agile unified operations. Facilities of Video Recording and broadcasting using open source web casting tools are also available. It is also equipped with completely portable, wireless, single-speaker plus 4-language interpretation system and is ideal for up to four languages, plus floor.

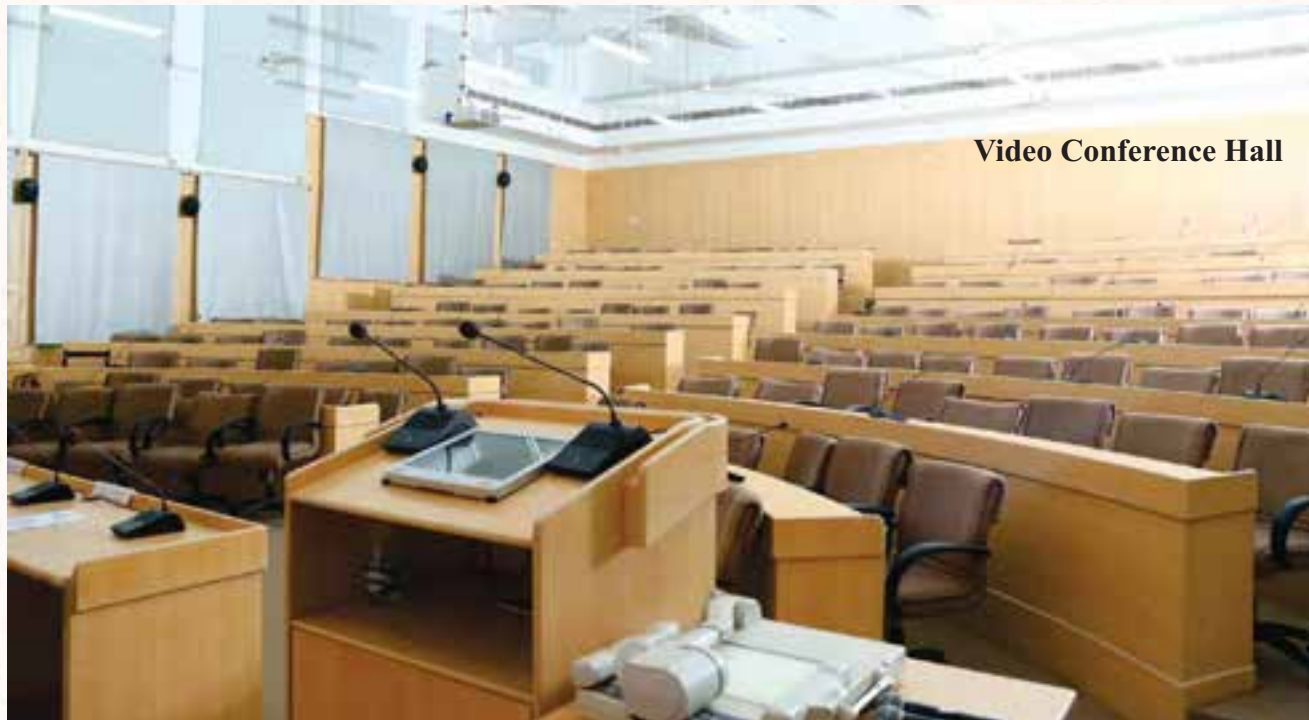
M.K. Nambyar SAARC Law Centre Video Conference Hall and R.N. Jhunhunwala Conference Hall: This can be used for the Plenary Sessions

The centrally air conditioned M.K. Nambyar SAARC Law Centre Video Conference Hall has a seating capacity of 250 people with individual mike and Headphone system. It has a digital podium and a center table facing the audience can

accommodate 8 guests. It has an interactive smart board and is enabled with Wi-Fi with IEEE .ac technology. It also has a Short throw Projector Facilities with remote navigation and controlling facility with laptop interfacing of XGA, HDMI, USB and also wireless enabled and two LED screens integrated with motorized screen with control panel for unified control of all systems. It also has a Tele conferencing facility with broadcasting and multicasting features along with the facilities of Video Recording and broadcasting using open source web casting tools.

Seminar Halls 1, 2 and 3: Can be used for the meetings of the Working Commissions

The University houses within its infrastructure three Air conditioned Seminar Halls with a seating capacity of 30 to 35 people. It is structured in the form of a Board Room / Meeting Hall and is well equipped with audio-visual and Wi-Fi facilities. Like the previous venues, even this hall has Short throw Projector Facilities with



**Video Conference Hall**

remote navigation and controlling facility with laptop interfacing of VGA, HDMI, USB and also wireless enabled along with the facilities of Video Recording and broadcasting using open source web casting tools. It has an interactive smart board (65" inch) with responsive touch experience, Object awareness, glare-free LED panels display.



*Board Room / MDP Room and Ideation Lab in Centre for Management Studies: Can be used for Minute takers Room and Secretariat Room respectively*

The University has a Centre for Management Studies which houses within its domain a Board Room and an Ideation Lab. It has a seating capacity of around 40 people and is structured in the format of a board room. It has a digital podium and is equipped with interpretation system. It also houses the facilities of video recording along with broadcasting using open web casting tools. Like the previous venues, this also is equipped with Short throw Projector Facilities with remote navigation and controlling facility with laptop interfacing of VGA, HDMI, USB and also wireless enabled. It also has a Photo-copier machine with finisher modules like two, three and four punch and two, three and four staples. It also has a completely portable, wireless, single-speaker plus 4-language interpretation system. It has an interactive smart board's (55" inch) with responsive touch experience, Object awareness, glare-free LED panels display etc.





### **Proposed Accommodation Arrangements for Delegates**

From the outset, we were expecting at least 100 delegates and accordingly we needed to explore accommodation options in the vicinity.

#### *Accommodation at NALSAR*

NALSAR provides accommodation in Guest House (AC Rooms) for the visiting faculties, academicians, and members of the judicial fraternity. Accommodation is also given for shorter durations to parents of students subject to availability and advance notice in this regard.

An architecturally conceived state-of-the-art *Convention Centre* with four VVIP rooms and 20 rooms of double occupancy for regular use is in place, to be used exclusively as a self-contained facility for organizing National and International Conferences, Moot Court Competition, Training Programmes, Workshops, Summer Courses for national and international students and also

programmes for Bar in continuing legal education etc. The air conditioned rooms in the Centre are well furnished, possessing essential facilities, including Personal computers with internet / Wi-Fi connectivity, facilitating the participants to have all their needs fulfilled at one place.





### *Aalankrita Resorts and Spa*

Aalankrita is the famous Hyderabad resort situated in Shamirpet, a man-made vision created in complete harmony with the panoramic beauty of Nature. From the moment you arrive, you'll be taken in by its breathtaking landscaping and scenery, blended in the pleasure and luxury of a 4 star resort. The delight of being here will be further buoyed by detailed architecture and rich interiors complementing the resort's ethnic theme, ensuring that the truly enlivening experience will stay long in your memory. The following were the categories of rooms that were deemed fit for stay:

- ★ Studio Rooms    ★ Delux Cottages
- ★ Elite Suites    ★ Crystal Suites
- ★ Presidential Suites



### *Leonie Resorts and Spa*

Leonie Holistic Destination is a unique destination spread in sprawling greenery and natural rock formations that portray a warm invitation to guests from across the world to dwell in the ambiance of luxury, warm hospitality, and richness of integrated services offered by its villas and hotels. The following were the categories of rooms that were deemed fit for stay:

- ★ Leo Celestia Suites    ★ Leo Lagoon Bay    ★ Leo Biz Rooms



## **Touristic Places to visit in Hyderabad**

Traditionally the spouses and the family of the members also accompany the members for the session and it is the responsibility of the host institution to organize a tour programme for the accompanying persons throughout the city and even beyond the city limits depending upon the resources available. This was considered as an opportunity to showcase the cultural grandeur of the historic city of Nawabs i.e. Hyderabad. Accordingly, in the proposal various touristic options to visit in the city were showcased and the same is briefly stated here:

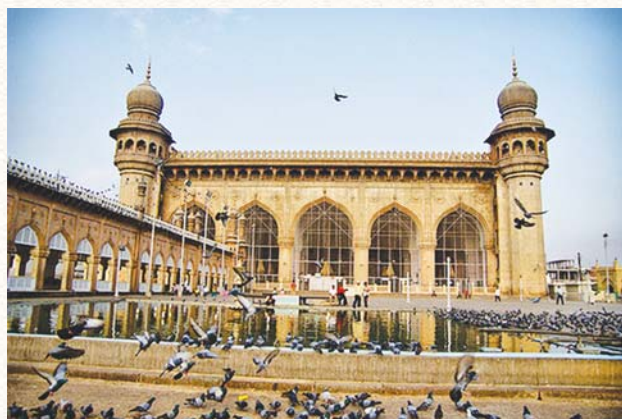
### **Charminar:**



The Charminar is as much the signature of Hyderabad as the Taj Mahal is of Agra or the Eiffel Tower is of Paris. Mohammed Quli Qutb Shah, the founder of Hyderabad, built Charminar in 1591 at the centre of the original city layout. It is said to be built as a charm to ward off a deadly epidemic raging at that time. Four graceful

minarets soar to a height of 48.7 m above the ground. Charminar has 45 prayer spaces and a mosque in it. Visitors can view the architectural splendour inside the Charminar.

### **Mecca Masjid:**



A two hundred yards southwest of the Charminar is the Mecca Masjid, so named because the bricks were brought from Mecca to build the central arch. The Qutb Shahis never finished the building of the mosque, which was completed by Aurangzeb in 1694.

### **Laad Bazaar:**



This is famous, colourful shopping centre of the old city, tucked away in one of the streets leading off from Charminar. Bridal wear, Pearls and the traditional Hyderabad glass and stone studded bangles are sold here.



### **Golconda Fort:**



Golconda is one of the famous forts of India. The name originates from the Telugu words “Golla Konda” meaning “Shepherd's Hill”. The origins of the fort can be traced back to the Yadava dynasty of Deogiri and the Kakatiyas of Warangal. Golconda was originally a mud fort, which passed to the Bahmani dynasty and later to the Qutb Shahis, who held it from 1518 to 1687 A.D. The first three Qutb Shahi kings rebuilt Golconda, over a span of 62 years. The fort is famous for its acoustics, palaces, ingenious water supply system and the famous Fateh Rahben gun, one of the cannons used in the last siege of Golconda by Aurangzeb, to whom the fort ultimately fell.

### **Birla Mandir:**



This white marble temple of Lord Venkateshwara floats on the city skyline, on Kala Pahad. The idol in the temple is a replica of the one at Tirumala Tirupati.

Birla Planetarium is India's most modern planetarium and first of its kind in the country. It is equipped with advanced technology from Japan and is built on Naubat Pahad adjacent to Kala Pahad. And the Science Museum stands tribute to the advancement achieved by Science and Technology.

### **Salar Jung Museum:**



This museum houses one of the biggest one-man collections of antiques of the world by Mir Yousuf Ali Khan, Salar Jung III. The objects d'art include Persian carpets, Moghal miniatures, Chinese porcelain, Japanese lacquerware, famous statues including the Veiled Rebecca and Marguerite and Mephistopheles, a superb collection of jade, daggers belonging to Queen Noor Jahan and the Emperors Jahangir and Shah Jahan, Aurangzeb's sword and many other fabulous items.

### **Nehru Zoological Park:**



Spanning 300 lush green acres, the Nehru Zoological Park is a must for nature lovers. It has



over 250 species of animals and birds, most of which are kept in conditions as close to their natural habitats as possible. This is the first zoo to create moated enclosures for animals. The Lion Safari Park, Natural History Museum and Children's Train are the added attractions.

### **Shilparamam:**



Another attraction at Madhapur besides Hi-tec city in Hyderabad is the 30-acre village, which showcases arts and crafts of the country. India is an ocean of various arts and crafts but the talent of most of the artisans and artists goes unrecognized. To encourage them and give the necessary boost to their art, the crafts village hosts annual bazaars, where artists and artisans from all over the country exhibit their talent.

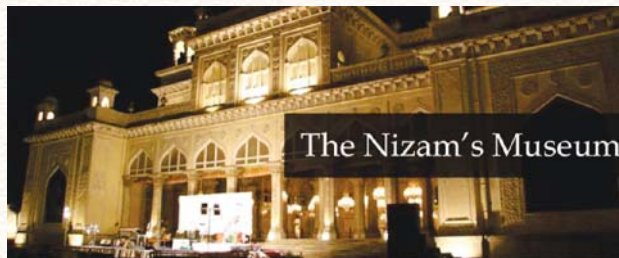
### **Hussainsagar Lake:**



Excavated in 1562 A.D. by Hussain Shah Wali during the time of Ibrahim Quli Qutb Shah, the lake has a promenade that is a busy thoroughfare today. Boating and water sports are a regular feature in the Hussainsagar. One of the World's

tallest monolithic statues of the Buddha stands on the 'Rock of Gibraltar', in the middle of the lake.

### **Nizam's Silver Jubilee Museum:**



The stately Purani Haveli, the palace acquired around the year 1750 by the second Nizam, is now converted into a museum with a fascinating collection. The museum exhibits the gifts and mementos presented to the last Nizam on the occasion of the silver jubilee celebrations in 1937. A 1930 Rolls Royce, Packard and a Mark V Jaguar are among the vintage cars displayed.

### **Ramoji Film City:**



The Ramoji Film City in India is located in Hyderabad. Spread over 1666 acres, it is the largest integrated film city in Telangana and has been certified by the Guinness World Records as the largest studio complex in the world. It was built by Telugu film producer Ramoji Rao in 1996. It is also a popular tourism and recreation centre, containing natural and artificial attractions including an amusement park. Around 1.5 million tourists visit the place every year

## Acceptance

Our proposal was presented by Dr. P.S. Rao, then member, Institute of International Law at the 77<sup>th</sup> Session of the Institute which was held in Tallinn, Estonia in August 2015 and it was unanimously accepted by the members and the Bureau. India and NALSAR University of Law, Hyderabad was

finally chosen as a venue for the session amongst various competing countries including Vienna, Austria. We subsequently received an acceptance letter to the effect from Prof. Marcelo G. Kohen who is member and the Secretary-General of the Institute. The letter is reproduced here.

*Justitia et Pace*  
*Institut de droit international*

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*The Secretary General*

*c/o IHEID*  
*Rue Eugène Rigot 2*  
*Case postale 136*  
*CH-1211 Genève 21*

*Tel. +41 22 908 58 40*  
*E-mail :*  
[\*marcelo.kohen@graduateinstitute.ch\*](mailto:marcelo.kohen@graduateinstitute.ch)

*Geneva, September 20, 2015.*

*Dear Members of the Indian National Group,*

*It gives me great pleasure to formally inform you that the Institut de droit international at its Tallinn Session decided to hold its next session in 2017 at Hyderabad, India. In this connection, the Bureau of the Institute took note of the various facilities indicated as available for this purpose at the National Academy of Legal Studies and Research (NALSAR) University of Law. While the Institute is pleased to respond positively to the offer of the Indian national group to hold its next session at Hyderabad, India, it is understood that the Indian National Group, in cooperation with its partner institution, the NALSAR University of Law, will raise necessary funds to cover all expenses associated with the essential requirements of the Institute to hold its next session there. It may kindly be recalled that the essential requirements of the Institute in this regard have been indicated to the Indian National Group in an earlier communication to Dr. P. S. Rao (enclosed for ready reference). A small team of the Institute's Secretariat would welcome an opportunity to pay a customary visit to Hyderabad at an appropriate time to be fixed at mutual convenience in the year ahead to review the preparations and facilities being made available by the Indian National Group and its partner institution the NALSAR for its session to be held in 2017.*

*The Institute and its secretariat takes this opportunity to wish the Indian National Group and its partner institution the NALSAR the very best and assures them of its cooperation to ensure a successful Session at Hyderabad, India in 2017.*

*Sincerely yours,*



*Marcelo Kohen*

*Encl. mentioned.*  
*Copy to Professor (Dr.) Balakista Reddy, Registrar, NALSAR University of Law.*





# **CHAPTER - 3**

## **REQUIREMENTS TO HOST THE SESSION OF THE INSTITUTE**

For the purposes of hosting the next Session of Institute, the following requirements were needed to be met by the partner institution

### **Infrastructural Requirements**

1. A large conference hall in which the Opening Ceremony will take place (capacity for approximately 300 people). It should be located in or near the building in which the plenary session will take place. The inaugural meeting is open to guests and the size of the room will depend on the number of guests (relatives of members of the Institute, university members, State officials, members of the Press and other media).
2. One room for the plenary meetings (this room must not be over-sized and must be able to accommodate 150 people). It must be equipped with an interpretation system and allow one microphone per two participants. The room must be equipped with a podium and two tables for two or three persons and sufficient space for documents.
3. Four or five rooms for 15 persons, which will be used for meetings of the different commissions or for administrative meetings (Bureau, working committees, etc.).
4. A room for the Secretariat equipped with four to six networked computers with one printer per two computers. This room should also be able to accommodate one high-performance photocopying machine, capable of stapling and recto-verso copying.
5. Two rooms for the Secrétaires-rédacteurs, equipped for the use of between eight and ten laptop computers.
6. One office for the President, Secretary General and Treasurer and his assistant.

### Resources Identified:

#### Identification of the Conference Facilities

- *Opening and Closing Ceremonies:* The opening and closing ceremonies would take place in the University Auditorium which can hold 800 people. This is more than sufficient for the attendance expected by the Institute of International Law.
- The *traditional photo* can be taken on the steps in front of the main academic entrance of NALSAR.
- *Plenary meetings* will take place in the M. K. Nambyar Video Conference Hall (capacity 250 people). The NALSAR organizing committee will arrange the room according to the attendance. It is recommended to be careful about the cables which cross one of the accesses.
- *Interpretation Booth:* the interpreter's booth would be placed at the left side of the back corner of the room. 3 ISO certified Interpreters booth will be hired and placed.
- *Commission meeting rooms:* Seminar rooms I, II and III will be used for this purpose. They are large enough to seat 15 people.
- The offices for the President, the Secretary General and the Treasurer will be near the plenary room.
- *Secretariat:* Three MBA rooms will be used for the secretariat, the first one for the minute takers must be equipped with plugs for laptops (8 plugs). The minute takers need two computers with access to internet. They also need 3 printers.
- *Documentation Room:* The MBA Board Room will be used for stationary, filing, storing documents and photocopying. We need a two photocopying machines, one very fast with stapling and recto-verso copying and one slower.

- The third room will be used by the secretaries. They need 4 computers and one printer per two computers. Two large tables are also necessary for the display of documents. These three rooms are attached to the IT Centre. This will be very useful at the beginning of the session, for technical help.
- *Computer rooms for the members:* The moot court hall will be used as a computer room for the members. Five computers will be made available as well as a printer/copier/scanner.
- Bureau: Three offices will be available for the President, the Secretary-General and the Treasurer. The Judges lounge can be used for the Bureau meetings (set up for 12 persons).

### Logistical Arrangements

Barring the abovementioned infrastructural requirement, the partner institution also had to provide for accommodation to selected few members (around 25 in number), organize their travel and movement to and from the hotel and city along and arrange for food for all the members and the administrative staff of the Institute. The Members of the Institute were required to stay in hotels situated as close as possible to the place where the plenary sessions were going to be held (the Organizing Committee will provide a list of five hotels in different price ranges). For this purpose, the abovementioned accommodation (as stated in Chapter II) arrangements were proposed.

The partner institution was also required to arrange for interpretation services for the proceedings of the Institute which included cost of the installation of the interpretation cabins, salaries of the interpreters and their transport and hotel expenses.

### Programme Schedule and Conference Kits

The host institution also had the responsibility of preparing, designing and printing the official programme and any other documents the Organizing Committee may deem necessary. It also had to prepare a conference bag containing a city map, notebook and other useful information (list of doctors, dentists, restaurants, hairdressers, etc.). The bag should also contain the complete programme of the session, the relevant invitation cards and the programme for accompanying persons.

### Social events and activities

The partner institution was also required to plan and finance:

1. The opening reception, which will take place immediately after the Opening Ceremony;
2. The traditional excursion (normally scheduled for the middle of the session);
3. Several receptions sponsored by local authorities (for example, the Lord Mayor of the city in which the session is held, the ministry interested in the work of the Institute, the University or other private sponsors);
4. Local authorities who will be invited to the opening ceremony or to other social events;
5. Cultural or entertainment programme for accompanying persons during every reception dinner;
6. A bus service available for certain events, or the provision of free transport for certain destinations.

A traditional gift was required to be given to all Members and accompanying persons during the closing dinner whose venue was supposed to be chosen by the Organizing Committee.





# **CHAPTER - 4**

## **VISIT OF THE REVIEW TEAM**

In order to oversee the arrangements at NALSAR, a Review Team consisting of the following members visited NALSAR from November 7<sup>th</sup> to 9<sup>th</sup>, 2016:

- Justice Fausto Pocar, Member and Treasurer, Institute of International Law
- Ms. Iris Van Der Heijden, Executive and Academic Assistant to the Secretary-General, Institute of International Law
- Ms. Isabelle Gerardi, Executive Assistant to the Secretary-General, Institute of International Law

The following was the Agenda of their visit:

### **Customary Welcome Meeting with Vice-Chancellor and Registrar**

Upon their arrival at Hyderabad, the members of the review team were taken to Leonia Resorts where the accommodation arrangements for them were made. They were subsequently brought to the University for their scheduled meeting with Prof. Dr. Faizan Mustafa, Vice-Chancellor, NALSAR and Prof. Dr. V. Balakista Reddy, Registrar, NALSAR and Dr. P.S. Rao,

President, Institute of International Law. Upon exchanging customary greetings, the members and the University officials discussed the requirements of the Institute to host the Session and subsequent arrangements to oversee the smooth functioning of the session.

### **Review of the Conference Facilities**

Upon a preliminary meeting with the University officials, the Review Team went for a round of the University and inspected its premises. They were being taken to various conference halls, auditorium, seminar halls, lecture halls, and the facilities in these halls were demonstrated by the IT department. They suggested some changes in the existing infrastructure but one of the major changes that were suggested was to have an Interpretation Booth and Interpretation facilities as the official working language of the Institute is both French and English.

It was decided that the opening and closing ceremonies would take place in the University Auditorium which can hold 800 people. This is more than sufficient for the attendance expected by the Institute of International Law.





The traditional photo was decided to be taken on the steps in front of the main entrance of NALSAR or at the steps of Auditorium.

It was further decided that the main *Plenary Sessions* would be held at the *M.K. Nambyar SAARC Law Centre Video Conference Hall* which can accommodate close to 200 members in one go subject to certain infrastructural modifications that were as follows:

- Establishment of a Booth for Interpretation and providing Interpretation Facilities in the room. This is more so required as the official working languages of the Institute is both English and French.
- One Microphone is required for two members
- The Front-facing table should be able to accommodate five seats with an individual mike for each table.
- Placing of a table on each side of the speakers table for the minute takers
- Placing of two tables on the sides of the door for the display of documents
- Two tables are required for the Assistants of the Institute

- Removal of the chairs from the front row
- Removal of the Speaker's Booth.

It was decided that the *Seminar Halls 1, 2 and 3* will be used as meeting room for *Working Commissions*. They were required to be arranged in a manner so that fifteen members can sit across each side.

It was then decided to use the MDP Rooms and Board Room for the office of Secretariat and Minute Takers respectively. The MBA Board Room was required to be equipped with plugs for laptops and two computers and three printers. The Board room was to be used as Secretariat. They requested to put 4 computers and one printer per two computers. Two large tables are also required for the display of documents.

The room next to IT Centre was decided to be used as a Documentation Room and was going to be used for stationary, filing, storing documents and photocopying. These three rooms are attached to the IT Centre. This will be very useful at the beginning of the session, for technical help.

A portion of the Moot Court Hall towards the window was decided to be used as a space for computers for the members. Accordingly five





computers were required to be made available as well as a printer/copier/scanner.

Three faculty chambers were identified near to venue for Plenary Session which was going to be used as office space for the President, the Secretary-General and the Treasurer.

The Judges lounge was decided to be used for the Bureau meetings (set up for 12 persons).

### **Review of the Shortlisted Accommodation Arrangements**

Upon reviewing the infrastructural arrangements at NALSAR, the next item on their agenda was to explore the options for accommodation of the members and staff. Since it's a 10 day event (approximately), it was important to ensure that the best arrangements were made with utmost comfort and hygiene standards to be maintained. Accordingly the review team was taken at first to the three nearby hotels located at a close proximity from the University.

The first option was to check *Leonia Resorts and Holistic Destination* and the review team was put up in the same category of rooms that we were planning to reserve for the members i.e. the Cascade Suite. The rooms were large, the beds comfortable, there was a safe, a bar with only mineral water, a swimming pool, an outdoor shower and the bathrooms were acceptable to the review team. The team also visited other categories of rooms and found it suitable for accommodation by the members and the staff.

They did not like the then existing Breakfast room and found it too noisy and smelly. Upon raising this issue with the management staff of the Hotel, we were assured that for the session a separate breakfast room will be reserved.

Needless to say that the outskirts of the Hotel were not friendly and it was advised that the members should not go for a walk or travel individually.



The members were then taken to **Celebrity Resorts** for lunch and property inspection. Although they enjoyed the meal, however, they weren't impressed with the existing accommodation. Even though we were assured that within the next six-seven months new rooms would come up, nevertheless the Review Team preferred to avoid the place. Some large rooms were more meant for families and the team was of the opinion that this resort would not be adequate for the members.

The members were then taken to **Aalankrita Resorts and Spa**. The members of the review team did like the rural set up of the resort and enjoyed the aesthetics and pleasant environment of the resort. They found it most adequate for the members as it would also give a glimpse of Indian culture and tradition as the architecture of the

resort was built in the form of temple architecture. Unfortunately, they could not personally see any room as all the rooms were occupied as it was the wedding season. It was decided to send them the pictures of the different categories of the room at a later stage and will be emailed across to them.

The Review Team was also taken to **Taj Vivanta** located in Begumpet to give them an idea of the kind of accommodation available in the city. Needless to say, Taj Vivanta met the standards of the Institute but it was decided not to accommodate the members in the hotels located in the city as the members would have to travel a lot and it would not be possible for them to travel in between the sessions especially having due regards to the traffic jam that the city witnesses during peak hours.



## Accommodation Arrangements made

With the commencement of the year 2017, it was finally decided to start blocking the rooms in the nearby hotels. Upon another round of inspection and a series of meetings with the management staff of the hotels it was decided to reserve all the suites of the Cascade (60) and Lagoon Bay (18) Category in Leonia Resorts and Holistic Destination from September 3<sup>rd</sup> to 10<sup>th</sup>, 2017. Similar blocking were also made in Aalankrita Resorts in the category of Executive Rooms, Studio Cottages, Penthouses, Studio Rooms, Delux Cottages, Elite Suites, Presidential Suites and Signature Suites. An initial request letter was sent to the requisite hotels to reserve the rooms and subsequently a contract was entered with the hotel.

## Brief Tour of the City

To showcase the culture and historical tradition of the city, it was decided to give the Review Team a tour of the city. This was also important as

a brief glimpse of the proposed Spouses Tour planned for the spouses of the members that were expected to accompany. They were initially taken to the Golconda Fort via Tank Bund Road. We stopped at Tank Bund and took them to Hussain Sagar Lake and Buddha Statue. Thereafter they were taken to Golconda Fort and for the Light and Sound Show which is extremely popular in Hyderabad. Thereafter they were taken to Taramati Baradari for sightseeing and dinner. The Review Team was extremely impressed by the history and culture of Hyderabad and appreciated the meticulous schedule planned for the Spouses. However they suggested cutting short the spouses schedule given the travel time and that many of them are old and would not prefer travelling these distances.

## Website Creation

The Review Team also suggested for creation of a website for the purposes of displaying information regarding logistical arrangements in Hyderabad and NALSAR. The link to the said website is [www.nalsar.ac.in/idi](http://www.nalsar.ac.in/idi).



# **CHAPTER - 5**

## **REGISTRATION**

In consultation with the staff of the Institute we developed a Registration Form for the members and the staff. Details regarding their designation, nationality, passport, contact addresses, their arrival and departure itinerary, etc. were asked for.

The Registration was open from March 2017 and continued after extension until August 2017. In pursuance of the same, the following members registered.

### **Brief Profile of the Members Registered**

#### **Dr. Pemmaraju Sreenivasa Rao - India**

Special Legal Advisor to Attorney General, Doha, Qatar

Dr. P. S. Rao, is a distinguished Indian international lawyer who headed the Legal and Treaties Division, Ministry of External Affairs, India; the chief legal advisor of India on international law matters from 1985 to 2002, and ad-hoc Judge of International Court of Justice in the case concerning sovereignty over Pedra Branca/Pulau Batu Pateh, Middle Rocks and South Ledge (Malaysia/Singapore) (2004–2008). Presently, he is a Special adviser in the office of the Attorney-General, State of Qatar and Visiting Professor at the Center for International law studies, Jawaharlal Nehru University, New Delhi. He is also an honorary visiting professor at Damodaram Sanjivayya National Law University, Visakhapatnam. He was also a member of Bay of Bengal Maritime Boundary Arbitration tribunal (Bangladesh/India) (2010–2014).



#### **Judge Abdul G. Koroma - Sierra Leone**

Former Judge, International Court of Justice

Abdul Gadire Koroma is a Sierra Leonean jurist who served two terms as judge at the International Court of Justice (from 1994 to 2012). He is a very senior and leading international lawyer and arbitrator. He has served as the Chairman of the UN General Assembly 6th Committee (Legal); a member of the International Law Commission, which he has chaired; the Ambassador of Sierra Leone to the United Nations and to several countries; as well as on a broad range of other prominent international bodies and organisations. He is an honorary bencher of Lincoln's Inn.



**Dr. Ahmed Mahiou** - Algeria

Judge (Ad-hoc), International Court of Justice and Former President of the UN International Law Commission

Dr. Mahiou is the Director of Research Emeritus at Centre National de la Recherche Scientifique (CNRS) and is also an Ad-hoc Judge to the International Court of Justice. He is also an International Referee and World Bank Expert on Good Governance. He has co-edited the Formation of Standards in International Development Law (OPU and CNRS Editions) and The Rule of Law and the Arab World (ed.), CNRS Éditions, Paris, 1997; The codification of International law (ed.), 1999.



**Dr. Alain Pellet** - France

Emeritus Professor, University of Paris Quest, Nanterre-La Defence

Dr. Pellet is a French lawyer who teaches international law and international economic law at the Université de Paris Ouest - Nanterre La Défense. He was director of the Centre de Droit International (CEDIN) of the University between 1991 and 2001. He is a member and former president of the United Nations International Law Commission, and has been counsel for many governments, including the French government, in the area of public international law. He has also been expert to the Badinter Arbitration Committee, as well as rapporteur of the French Committee Jurists on the Creation of an International Criminal Tribunal for Former Yugoslavia ("TRUCHE Commission). He is Chevalier of the Légion d'Honneur since 1998.

**Prof. Alan Vaughan Lowe** - United Kingdom

QC Emeritus Chichele Professor of Public International Law, Emeritus Fellow of All Souls College, University of Oxford

Besides being an academic, Prof. Alan Vaughan Lowe has appeared as lead counsel in numerous cases before the ICJ, ECJ, ECHR, ITLOS, Iran-US Claims Tribunal, ad hoc Arbitral Tribunals and courts in England and Hong Kong, among others. Among his more notable cases as counsel are: the Antarctic Whaling case (for Japan), the Romania v Ukraine, Peru v Chile and Nicaragua v Colombia maritime boundary cases (for Romania, Peru, Nicaragua), the Palestinian Wall case (for Palestine), the Avena (Interpretation) case (for the USA), the Kosovo case (for Cyprus), the Timor-Leste v Australia case concerning certain documents (for Timor-Leste), and the Bolivia v Chile case concerning the obligation to negotiate access to the Pacific Ocean (for Bolivia); in the ITLOS, the Mox and Land Reclamation cases.





**Prof. Alfred H.A. Soons** - Netherlands

Emeritus Professor, Institute of Public International Law, Utrecht University

After having served as a civil servant at the Netherlands Ministry of Transport, Water Management and Public Works, he became Professor of public international law and Director of the Netherlands Institute for the Law of the Sea (NILOS) at Utrecht University in 1987. He is, inter alia, a former President of the Netherlands Society of International Law, Director of Studies of the International Law Association (ILA), member and chairman of the Jury for the Hague Prize for International Law, and the Standing Advisory Committee on Public International Law of the Netherlands Ministry of Foreign Affairs.

Currently he serves as chairman of the Scientific Advisory Council of the Netherlands Defense Academy, Member of the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission (IOC/ABE-LOS), and Co-Director of the Rhodes Academy of Oceans Law and Policy.

**Judge Antonio Augusto Cancado Trindade** - Brazil

Judge, International Court of Justice and Former President, Inter American Court of Human Rights

Judge Trindade is a Member of the International Court of Justice and also a Full Professor of International Law at the University of Brasilia and at the Rio Branco Diplomatic Academy of Brazil (since 1978). He is also the Honorary Professor, Universities of San Marcos (Peru, 2001), and of Rosario (Bogotá, Colombia, 2005); Honours, National University of Mexico (UNAM, 2003), and Universities of Rio de Janeiro (UERJ, 1999), of Brasilia (UnB, 1999), and of Minas Gerais (UFMG, Brazil, 2002). He has also served as the Former President of the Inter-American Court of Human Rights (1999-2004), Former Legal Adviser to the Ministry of External Relations of Brazil (1985-1990) and member of the Curatorium of the Hague Academy of International Law. He is the recipient of the 2007 Annual Award of the American Society of International Law, and of the 2008 W. Friedmann Memorial Award of Columbia University N.Y. (Columbia Journal of Transnational Law). Holder of several international and national decorations.



**A. Bernard H. Oxman Richard** - USA

A Hausler Professor of Law, the University of Miami

Bernard H. Oxman has served as judge ad hoc at the International Court of Justice and the International Tribunal for the Law of the Sea, in addition to serving as arbitrator in public and private international cases. He joined the U.S. Department of State, where he was the first Assistant Legal Adviser for Oceans, Environment, and Scientific Affairs. He participated in the negotiation of the UN Convention on the Law of the Sea as United States Representative to the Third United Nations Conference on the Law of the Sea and chair of the English Language Group of the Conference Drafting

Committee. He was associate dean at Miami from 1987 to 1990, and currently directs the law school's Master of Laws Program in Ocean and Coastal Law.

**Prof. Bhupinder Singh Chimni** - India

Professor, Centre for International Legal Studies, Jawaharlal Nehru University

Prof. Chimni is Chairperson of the Centre for International Legal Studies(CILS) at Jawaharlal Nehru University, New Delhi. Former Vice Chancellor of the West Bengal National University of Juridical Sciences; Visiting Professor at the International Center for Comparative Law and Politics, Tokyo University; a Fulbright Visiting Scholar at Harvard Law School, Visiting Fellow at Max Planck Institute for Comparative and Public International Law, Heidelberg, and the Refugee Studies Center, York University, Canada, he has served as a member of the Academic Advisory Committee of the Office of the United Nations High Commissioner for Refugees for the period from 1996-2000. He is on the editorial board of several national and international journals like Indian Journal of International Law, International Studies, and so on.



**Prof. Brigitte Stern** - France

Emeritus Professor of International Law, University of Paris I

Brigitte Stern is an Emeritus Professor of International Law at the University of Paris I, Panthéon-Sorbonne. She has also been a Professor at the Graduate Institute of International Studies in Geneva, and Director of the CEDIN-Paris I, Centre of Research in International Law from 1991 to 2007. Besides being a visiting Professor at Diplomatic School in Daar-es-Salam, Institute of Foreign Languages at Shanghai, Global Law School Program at New York University, Tokyo University, Sao Paulo University, she is also a Member of WTO List of Panelists, nominated by France, and a Member of the General

List of Arbitrators of the Court of Arbitration for Sport. She has also been a Judge of the United Nations Administrative Tribunal (UNAT) from 2000 to 2009, and is a Judge of the Administrative Tribunal of the Bank for International Settlement (ATBIS).



**Prof. Campbell A. McLachlan** - New Zealand

Professor, School of Law, Victoria University of Wellington

Prof. McLachlan is the President of the Australian and New Zealand Society of International Law, an Arbitrator for the International Centre for the Settlement of Investment Disputes, and a Member of the International Chamber of Commerce Court of Arbitration. He was appointed as a Queen's Counsel in 2007 and has won the J F Northey Prize in 2008. He is a Special Editor for the 14th edition of Dicey, Morris and Collins on the Conflict of Laws (2006). He was the first New Zealand-based academic to give a course of lectures at The Hague Academy of International Law on the topic 'Lis Pendens in International Litigation'. His book (with Shore and Weiniger) International Investment Arbitration: Substantive Principles was published by OUP in 2007, and is the first modern study of the law applicable in investment treaty arbitration.







**Judge Daqun Liu - China**

Vice-President, International Criminal Tribunal for the Former Yugoslavia

Judge Liu Daqun is a judge in the Appeals Chamber for both the ICTY and ICTR and for the Mechanism for International Criminal Tribunals and is also a member of the Permanent Court of Arbitration. Prior to being elected to the Tribunal, Judge Liu held a variety of positions in the Chinese Foreign Ministry, culminating in his appointment in 1999 as Ambassador of the People's Republic of China to Jamaica and as Permanent Representative of the People's Republic of China to the International Seabed Authority. Judge Liu was also Deputy Head and Chief Negotiator of the Chinese Delegation to the Rome Conference on the establishment of the International Criminal Court. In 1994

he was appointed a Professor of International Law at China's University of Law and Political Science and a Professor at the Centre of Cooperative Innovation and Judicial Civilization of that University in 2013.

**Prof. Dr. Jose Carlos Fernandez Rozas - Spain**

Professor of Private International Law, Complutense University of Madrid

He has served several academic positions like Professor of the Diplomatic School of the Ministry of Foreign Affairs, Madrid (1975), Professor of private international law at the University of León (1982), later at Oviedo (1982-1987), Lecturer in private international law at the Complutense University of Madrid (1987 to present) and, Professor of the Institute of Stock Market Studies of the Universidad Complutense de Madrid (1998-2000). He is also a Fellow of the "Center d'Etude et de recherche de Droit international et des internationales de l'Académie de la Haye" (1977). He has also served as the Director of the Department of Private Law and of the company of the University of Oviedo (1985 to 1987) and Director of the Department of International Public Law and Private International Law of the Universidad Complutense de Madrid (1987 to 1990 and 2010 to present).



**Dr. Edward Kwakwa - Ghana**

Senior Director, Department of Traditional Knowledge and Global Challenges, World Intellectual Property Organization

Edward Kwakwa is Legal Counsel at the World Intellectual Property Organization (WIPO) in Geneva. Before joining WIPO, Kwakwa practiced corporate and international trade law and investment with the law firm of O'Melveny and Myers in Washington, D.C.; worked as International Legal Adviser at the Commission on Global Governance in Geneva and as Senior Legal Adviser at the Office of the United Nations High Commissioner for Refugees, and as Legal Affairs Officer at the World Trade Organization. He is currently serving as Vice-President of the African Foundation for

International Law, Member of the Governing Council of Africa Legal Aid, Member of the International Law Association's Study Group on the Responsibility of International Organizations.. He has been an Adjunct/Visiting Professor of Law at the Fletcher School of Law and Diplomacy, the University of Denver College of Law, the International Law Institute in Uganda, and the University of Pretoria, South Africa, where he was recently appointed Extraordinary Professor in Law.



**Prof. Eyal Benvenisti** - Israel

Whewell Professor of International Law and Director of Lauterpacht Centre for International Law, University of Cambridge

Prof. Benvenisti was Anny and Paul Yanowicz Professor of Human Rights, Tel Aviv University Faculty of Law (from 2002) and Hersch Lauterpacht Professor of Law at the Hebrew University (from 1990). He was Global Professor of Law at New York University School of Law (since 2003). He was Visiting Professor at Yale, Harvard, Toronto, Columbia, Pennsylvania, Michigan, and gave a special course at The Hague Academy of International Law (2013). He is Project Director for the “GlobalTrust – Sovereigns as Trustees of Humanity” research project, funded by an ERC Advanced Grant. Professor Benvenisti is the recipient of several prizes including the Humboldt Research Award and the Francis Deak Prize. He is on the Editorial Board of the American Journal of International Law, and International Law in Domestic Courts.



**Judge Fausto Pocar** - Italy

Appeal Judge, the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR) & Professor Emeritus, University of Milan, Italy

Fausto Pocar is Professor Emeritus of International Law, former Dean and Vice-Rector at the University of Milan, Italy. He also serves as President of the International Institute of Humanitarian Law. Currently, he is an Appeal Judge (since 2000) of the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR). He has served for sixteen years, including as Rapporteur and Chairman, in the UN Human Rights Committee under the International Covenant on Civil and Political Rights. He is currently

a member of the panel of arbitrators on outer space matters of the Permanent Court of Arbitration. He has received many recognitions for his activity, including Doctorates honoris causa in Antwerp and Buenos Aires, and recently the appointment as “Cavaliere di Gran Croce” by the President of the Republic, the highest honor of the Italian Republic.



**Prof. Francesco Francioni** - Italy

Professor Emeritus, European Institute, Florence and LUISS University, Rome

Prof. Francesco Francioni is Emeritus Professor of the European University Institute and Co-Director of the Academy of European Law. From 2003 till 2012, he was Professor of International Law and Human Rights at the EUI, and Coordinator and Scientific Director of the FP7 PRIV-WAR project (2008-2011). Previously, he was Professore Ordinario; Director of the International Peace Studies Center and Jean Monnet Chair in European Law at the University of Siena (1999-2003). He has been a Visiting Professor at various universities, including Paris II, Oxford, Cornell and the University of Texas. and has been the legal consultant for UNESCO and has served as Chairman of the UNESCO World Heritage Committee in 1997-1998.





**Francisco Orrego Vicuña** - Chile

Professor, Heidelberg University Center for Latin America, Santiago

Francisco Orrego Vicuña has served as a Judge of the International Monetary Fund Administrative Tribunal since 2012. He is Professor of Law at the Heidelberg University Center for Latin America in Santiago and recipient of the Medal of Merit of the University of Heidelberg. He has served as a judge ad-hoc at the International Court of Justice and the International Tribunal for the Law of the Sea and presides over or participates as arbitrator in several international arbitration tribunals under ICSID, the Permanent Court of Arbitration, the World Trade Organization, the International Chamber of Commerce and UNCITRAL rules. He is a former judge (for seventeen years)

and former President of the World Bank Administrative Tribunal. He also actively participates in the work of major international arbitration institutions and is an arbitrator member of 20 Essex Street Chambers in London and Singapore.

**Genevieve Bastid Burdeau** - France

Professor Emeritus of International Law at the Sorbonne Law School, Paris

Professor Geneviève Bastid Burdeau is a Member of the Permanent Court of Arbitration, former Secretary General of the Hague Academy of International Law (1999- 2005), member of the Institut de Droit International, member of the Curatorium of the Hague Academy of International Law. She is the Vice-president of the French Society of International Law, member of the board of editors of the *Annuaire Français de Droit International*, specialist of public international law, international economic law (trade, investments, monetary relations). Professor Bastid Burdeau has acted as counsel for several States and international organisations. She is the author of numerous publications in the field of international law.



**Prof. George Nolte** - Germany

Professor of Public International Law, Humboldt University, Berlin

Prof. Nolte is a German Jurist and Professor of public international law at the Humboldt University of Berlin and is also a member of the UN's International Law Commission. He has held various prestigious positions which includes Chair of Public International Law at the University of Göttingen (2004-08), Ludwig Maximilian University and Humboldt University and , Head of the Center for Global Constitutionalism at the WZB Berlin Social Science Center. He has been a visiting fellow at All Souls College, Oxford 2003–2004, a visiting professor at the Panthéon-Assas University in 2004 and a visiting fellow at Princeton University's Law and Public Affairs Program 2013–2014.



**Prof. Hans Van Houtte** - Belgium  
President, Iran-US Claims Tribunal

At Leuven University he held the Chair of International Public Law from 1978 to 1989 and from 1989 to 2009, the Chair of Private International Law, International Business Law, and Arbitration. At Leuven, he was also Director of the Institute of International Trade Law and Vice-Dean. In 2009, he withdrew as a full-time professor but continues to teach arbitration at the Leuven Law School. He is Vice President of CEPANI, the Belgian arbitration institution, and is a listed arbitrator of many arbitration institutions. Before being appointed President of the Iran United States Claims Tribunal, Hans van Houtte has been active in several collective settlement processes (Bosnian Commission for Real Property Claims, Swiss Claims Resolution Tribunal for Dormant Bank Accounts, United Nations Compensation Commission, Eritrea- Ethiopia Claims Commission).



**Dr. Hans Van Loon** - Netherlands

Former Secretary General of The Hague Peace Conference on Private International Law and Doctor Honoris Causa, University of Osnabruck

Dr. Loon has been the Hague Conference's Secretary General from 1996 to 2013. He joined the Secretariat of the Hague Conference in 1978. Until 1996 he also acted as Secretary of the Netherlands Standing Government Committee on Private International Law, which involved him in the first stages of the codification of Dutch private international law (Civil Code, Book X). He is a member of the Institut de Droit International and is doctor honoris causa of the University of Osnabrück. He is also a Member of the

European Group of Private International Law and is an honorary Member of the Asociación Americana de Derecho Internacional Privado.

**Judge Jin-Hyun Paik** - Republic of Korea

Judge International Tribunal for the Law of the Seas, Hamburg, Germany

Jin-Hyun Paik is Professor of International Law, Dean of its Graduate School of International Studies (GSIS) at Seoul National University in Korea and a visiting professor at Johns Hopkins University's School of Advanced International Studies (SAIS), USA; and guest scholar at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany. He is Judge of the International Tribunal for the Law of the Sea (ITLOS) in Hamburg, Germany since 2009, relected as from 2017 ; member of the Special Chamber formed to deal with dispute concerning delimitation of the maritim boundary between Ghana and cote d'ivoire in the Atlantic Ocean. He currently serves as Arbitrator in the "Enrica Lexie" Incident Case (Italy v. India) at the Permanent Court of Arbitration (PCA). Judge Paik is also President of the Arbitral Tribunal in Dispute concerning Coastal State's Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation). He is also currently President of the Asian Society of International Law (Asian SIL)







**Prof. Joe Verhoeven** - Belgium

Professor Emeritus, University of Pantheon Assas (Paris-II) and Member, Permanent Court of Arbitration

Joe Verhoeven, is a Belgian scholar, professor of international law, associate of higher education and doctor of law. Its disciplines of specialties are public international law and European Union law. Joe Verhoeven has taught at the Catholic University of Louvain for many years. Since 2000 he has been a professor at the University of Paris II Panthéon-Assas and has been Director of the Institute of Higher International Studies. He was Secretary General of the Institute of International Law (2003-2015) and has served on the International Court of Justice as an ad hoc judge in the case of "Armed

Activities in the Congo". He is Director of the French Yearbook of International Law (Panthéon-Assas Paris II and CNRS).

**Prof. Jürgen Basedow** - Germany

Professor and Director, Max Planck Institute for Foreign and International Private Law, Hamburg

Jürgen Basedow is a German lawyer and Director at the Max Planck Institute for Foreign and International Private Law in Hamburg, and a professor at the University of Hamburg. Before this, Basedow was Chairman of the Monopolies Commission (2004-2008), Dean of the University of Augsburg (1987), Professor at Freie University of Berlin. Basedow, a recipient of The Otto Hahn Medal of the Max Planck Society in 1979, holds an honorary doctorate from the University of Stockholm. The Leuphana University of Lüneburg and the Tbilisi State University and a visiting professor at a number of Universities. His key memberships and affiliations include Secretary General of the International Academy of Comparative Law (2006-14), President (2006-2008) of the International Academy of Commercial and Consumer Law, Member of the Scientific Council Barcelona Graduate School of Economics (since 2007), etc. to name a few. He is also President of the European Group on Private International Law.



**Sir Kenneth Keith** - New Zealand

Former Judge, International Court of Justice

Sir Kenneth James Keith ONZ KBE QC is the first New Zealand Judge appointed to the International Court of Justice in November 2005. He is professor emeritus at Victoria University and a former director of the New Zealand Institute of International Affairs. He served in the New Zealand Department of External Affairs during the early 1960s, and as a member of the United Nations Secretariat from 1968 to 1970. He was one of the inaugural appointments to the new Supreme Court of New Zealand which replaced the Privy Council. Prior to his appointment to the International Court of Justice, he sat (as required) as a Judge of Appeal in Samoa (since 1982), the Cook

Islands (since 1982) and Niue (since 1995), and Judge of the Supreme Court of Fiji. In the Queen's Birthday Honours 1988 Keith was appointed a Knight Commander of the Order of the British Empire "for services to law reform and legal education" and in the Queen's Birthday Honours 2007 Keith was appointed to the Order of New Zealand.



**Prof. Laurence Boisson de Chazournes** - France

Professor, University of Geneva

Laurence Boisson de Chazournes is professor at the Faculty of Law of the University of Geneva since 1999 and a visiting professor at the University of Aix Marseille III, at the Universities of Paris I and Paris II and at the Institut de Hautes International Studies and Development. She has also served as a Senior Advisor to World Bank (1995-99) and has acted as an expert and adviser to governments, international organizations (UN, WHO, ILO, World Bank, UNESCO, WTO),. She is a member of the Advisory Committee of the United Nations Human Rights Council. It has been a member of the High Level Panel on Water and Peace since November 2015. She is also a member of the Permanent Court of Arbitration (APC), the Sports Court and the list of experts of the WTO and has appeared as a Counsel for contentious cases and advisory procedures before the International Court of Justice.



**Prof. Lauri Malksoo** - Estonia

Professor of International Law, University of Tartu

He is Professor of International Law at the University of Tartu (since 2009) and Director of the Estonian Foreign Policy Institute, a think-tank (since 2013). Since 2008, he has been member of the executive board of the European Society of International Law and was the organizer of ESIL's 4th Research Forum that took place in May 2011 in Tallinn, Estonia. From 2002-2012 he was part time adviser of the Chancellor of Justice of the Republic of Estonia. He was also member of the executive board of the European Society of International Law (2008) and the board of Centre for EU-Russia Studies (2011).



**Lord Lawrence Collins** - United Kingdom

Baron Collins of Mapesbury, Former Justice, Supreme Court of United Kingdom and Professor of Law at the University College of London

Lawrence Collins FBA, LL.D (Lord Collins of Mapesbury) is a Professor of Law at University College of London and also practices as an Independent Arbitrator. He was a Justice of the Supreme Court of the United Kingdom from 2009 to 2011. He is also a non-permanent judge of the Hong Kong Court of Final Appeal. Before becoming a judge, Lord Collins was a partner in the London firm of solicitors, Herbert Smith, specializing in international litigation. He was appointed to the Court of Appeal in 2007 as Lord Justice Lawrence Collins, and to the House of Lords in April 2009 as Lord Collins of Mapesbury (the judicial functions of the House of Lords were transferred to the new UK Supreme Court in October 2009). He is author of many books & articles on private international law. Since 1987 Lord Collins has been the general editor of Dicey and Morris (now Dicey, Morris and Collins), on the Conflict of Laws. He has also taught at NYU and Columbia Law School.





**Dr. Lena Gannage** - Lebanon

Dean, Faculty of Law and Political Science, Saint Joseph University of Beirut

Dr. Gannage is the Dean of the Faculty of Law and Political Science of Saint Joseph University in Beirut, she obtained her Bachelor of Law degree from the Panthéon-Assas University of Paris (Paris II) and Saint Joseph University. After her doctorate, she was appointed professor at the University of Lille II in 1999, and successively at the Panthéon-Assas University, where she co-directed the International Law Research Center. She currently heads the Law Section of the Arab Countries of the

Mediterranean with the Comparative Law Society.

**Dr. Lori Damrosch Fisler** - USA

Hamilton Fish Professor of International Law and Diplomacy, Columbia Law School

Lori Fisler Damrosch is the Hamilton Fish Professor of International Law and Diplomacy at Columbia Law School. Prior to joining the Law School, Damrosch served in the Office of the Legal Adviser of the Department of State with responsibilities including European and Canadian affairs, international antitrust, aviation, and trade. In. Damrosch is a member of the Council on Foreign Relations, the Department of State Advisory Committee on International Law, as well as numerous international law and human rights organizations. From 1996 to 1998, Damrosch served as vice president of the American Society of International Law, followed by her term as counselor of the American Society of International Law from 2001 to 2005, and president-elect of the American Society of International Law since 2013, leading to Damrosch's presidential term from 2014 to 2016.



**Prof. Lucius Caflisch** - Switzerland

Honorary Professor, Graduate Institute of International and Development Studies, Geneva & President, Paul Guggenheim Foundation

Lucius Caflisch is a Swiss international law specialist and Director of the Institute between 1984 and 1990. In 1991, he became legal advisor for the Swiss Federal Department of Foreign Affairs and represented Switzerland at several international conventions, for example on banning personnel mines and on maritime law, and at negotiations creating the constitution of the international criminal court. He also acted as judge for the principality of Liechtenstein at the European Court of Human Rights between 1998 and

2006. In 2006 Professor Caflisch was appointed to the Geneva-based United Nations International Law Commission.

**Dr. Mahnoush H. Arsanjani** - Iran

Judge, World Bank Administrative Tribunal

Mahnoush H. Arsanjani is a leading international lawyer and presently serving as Judge of the World Bank Administrative Tribunal. Dr. Mahnoush has served in the legal office of the United Nations for thirty-two years. During that time, she held a number of positions including that of Director of Codification, Secretary of the International Law Commission, and Secretary of the Committee of the Whole, Rome Conference on the Establishment of the International Criminal Court. She also currently serves as a Vice-President of the American Society of International Law. She has authored the book *International Law in Contemporary Perspectives*.



**Prof. Marcelo G. Kohen** - Argentina

Professor, The Graduate Institute of International Studies, University of Geneva

Prof. Kohen is Professor of International Law at the Graduate Institute of International and Development Studies in Geneva since 1995. He has worked as legal counsel and advocate for a number of states before the International Court of Justice, the ITLOS and other tribunals. He has been Visiting Professor at several European Universities, and Rapporteur or Co-rapporteur for the International Law Association, the Council of Europe and the Institut de Droit International. He was awarded the Paul Guggenheim Prize in 1997 for his book *Possession contestée et souveraineté territoriale (Adverse Possession and Territorial Sovereignty)*.



Possession and Territorial Sovereignty).

**Prof. Maria Teresa Infante Caffi** - Chile

Professor of International law, University of Chile

Prof. Caffi is the Professor of International Law at the University of Chile and the Diplomatic Academy of Chile. She has also taught at the Catholic University of Peru, National University of Córdoba and Jaume I de Castelló University, Spain and served as the Ex-Director of the Institute of International Studies of the University of Chile. Currently she is the National Director of Boundaries and Limits of the Ministry of Foreign Affairs of Chile. She is also the President of the Chilean Society of International Law. Her main areas of research include International Law, Integration, Law of the Sea, Antarctic and International boundaries.







**Prof. Maurice Kamto** - Cameroon

Politician Cameroon and Member, International Law Commission

Maurice Kamto is a Cameroonian politician. He was a member of the International Law Commission of the United Nations from 1999 to 2016. He successfully led the Cameroonian delegation during the negotiations to resolve the matter of Bakassi, a peninsula disputed with neighboring Nigeria. His decisive contribution helped him to be appointed as Minister-Delegate to the Minister of Justice in 2004.

Kamto formed a new opposition party, the Cameroon Renaissance Movement (MRC). A kick-off meeting of his party, merging multiple parties, was prohibited by the government on 13 August 2012.

**Prof. Michael Bogdan** - Sweden

Senior Professor of Comparative and Private International Law,  
University of Lund

Michael Bogdan is Senior Professor of Comparative and Private International Law in the University of Lund. He holds two JUDr. Degrees from the Charles University in Prague and the University of Lund. He is a member and former President of GEDIP (Groupe européen de droit international privé), member of the International Academy of Comparative Law and associate member of the Institut De Droit international. He is the author of 12 books and more than 400 articles and reviews on various legal subjects.



**Mme Judge Xue Hanqin** - China

Judge, International Court of Justice

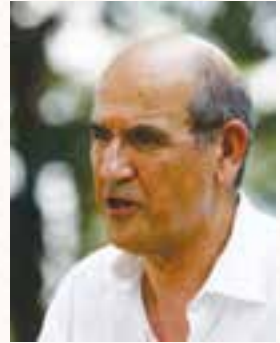
Mme Hanqin, is a Judge at the International Court of Justice and a Professor at the Wuhan University School of Law. She is also the Vice-President and Board Member at the Chinese Society of Private International Law; President, Asian Society of International Law and Member of the Curatorium of the Hague Academy of International Law. She has also represented China at the Hague Conference on Private International Law (1994) United Nations meeting on the protection of the safety of United Nations Personnel and Associated Personnel (1994). Framework Convention on Climate Change meeting, Berlin Mandate (1996). United Nations Convention against Transnational Organized Crime (1998-1999), etc.



**Dr. Mojtaba Kazazi - Iran**

Former Executive Head, UN Compensation Commission

Mojtaba Kazazi is currently a practitioner in international law and an independent arbitrator in Geneva. He is a former judge of the high courts of Tehran, and has over 30 years of experience in international dispute resolution and claims proceedings, including negotiations, mass claims processing, and international arbitration. He served as the Executive Head of the United Nations Compensation Commission (2007-12), and as Secretary of the UNCC Governing Council with Security Council membership (1997-07). He also set up and directed the UNCC monitoring programme for (over USD 4 billion) environmental awards, and a related regional inter-state programme in the Middle-East to promote cooperation on environmental issues.



**Dr. Monica Pinto - Argentina**

Dean of the Law School and Professor of Buenos Aires Law School

Mónica Pinto is professor of International Law and of International Human Rights Law at the University of Buenos Aires/UBA Law School; Dean of the School since 2010 and visiting professor for several universities. Pinto has taught at The Hague Academy of International Law in 2007. She also serves as a member of the Steering Committee of the Project on International Courts and Tribunals/PICT. She is a member of the American Society of International Law and the Société française de droit international. She joined as consultant the Argentine Council for International Relations/CARI. She has served as the Judge of the World Bank Administrative Tribunal (2009-14) and has also been appointed by the UN Secretary General as member of the Board of Trustees of the Voluntary Fund for Technical Co-operation in the Matter of Human Rights in 2006 and again in 2009.

**Dr. Moragodage Christopher Walter Pinto - Sri Lanka**

Attorney of the Supreme Court of Sri Lanka of the Inner Temple

Pinto, Moragodage Christopher Walter is a leading international lawyer and former diplomat. Dr. Pinto has served as Secretary-General of the Iran-US Claims Tribunal. He is also the first Legal Advisor to the Sri Lankan Ministry of Defence and External Affairs from 1967-76 and was Sri Lanka's Ambassador to Germany and Austria (1976-80). Dr. Pinto was Chairman of the Sri Lankan delegation to the Third UN Conference on the Law of the Sea and Chairman of the Conference's Negotiating Group on the Seabed beyond national jurisdiction. He also chaired the prestigious United Nations International Law Commission. He has been recently appointed as an Arbitrator for Dispute between Denmark and the EU





**Prof. Natalino Ronzitti** - Italy

Emeritus Professor of International Law, LUISS University (Rome)

Natalino Ronzitti is Emeritus Professor of International Law at LUISS University (Rome) and an advisory expert for IAI. He has been a visiting Fellow and Scholar in Residence at numerous foreign universities, including in the United Kingdom and the United States. He was "Professeur invité" at the University of Paris II, and has often been a guest professor at the Alexandria University in Egypt. He has been an advisor to the Ministries of Foreign Affairs and of Defence, and a legal advisor to the Italian Mission to the Conference on Disarmament in Geneva.

**Prof. Dr. Nicolaas Jan Schrijver** - Netherlands

Professor and Director, Grotius Centre for International Legal Studies, Leiden University

Prof. Schrijver is Professor of International Law and Academic Director of the Grotius Centre for International Legal Studies, Leiden University; visiting professor of The European Union and Co-operation with Developing Countries at the Université Libre de Bruxelles and the Institute of Law of the Chinese Academy of Social Sciences and a member of the Senate of the Dutch house of parliament. In the Senate he serves as the chairperson of the Committee on Foreign Affairs, Defence and Development Co-operation and the vice-chair of the Senate Committee on European Affairs. Furthermore, he is the Labour Party's spokesperson on Foreign Affairs, Development Co-operation, European Affairs and Immigration and Asylum. Schrijver is a member of the Permanent Court of Arbitration, and member of the Curatorium of the The Hague Academy of International Law. He is also a member of the Royal Netherlands Academy of Arts and Sciences and the chairperson of its Section on Legal Sciences.



**Dr. Philippe Kirsch** - Canada

Former Judge and President, International Criminal Court, Hague

Philippe Kirsch, O.C.Q.C. is a Canadian lawyer and diplomat who served as a judge on the International Criminal Court from 2003 to 2009 and was the Court's first President. He has held numerous high level positions in the Department of External Affairs in Canada since 1972 and was the Canada's ambassador to the Kingdom of Sweden. He was appointed Queen's Counsel in 1988 and made an Officer of the Order of Canada in 2009 for his contributions to International Criminal Law, notably as president of the International Criminal Court in The Hague.



**Prof. Pierre d'Argent** - Belgium

University of Louvain

Pierre d'Argent is a full-time professor of law at the Faculty of Law of the University of Louvain, where he holds the Chair of Public International Law. He is also a Visiting Professor at the University of Leiden and a lawyer at the Brussels Bar (special counsel for Foley Hoag LLP). He has also served as First Secretary of the International Court of Justice (2009-11). He was Director of Studies of the Academy of International Law (The Hague) at the 2006 session and was invited to teach there in 2015. He has taught at the Royal Military Academy (Brussels), the Institute of Political Studies (Lille), the University of Bukavu (DRC), the International Institute of Human Rights (Strasbourg) At the Institute of International Studies (Paris), the State University of New York (Buffalo), the Institute of Diplomacy (Kabul), Australian National University. He is the holder of the Suzanne Bastid Prize, thesis prize awarded by the French Society for International Law (2002). He is also a fellow of the Alexander von Humboldt-Stiftung (2002).

**Prof. Raul Emilio Vinuesa** - Argentina

Professor of Public International Law, University of Buenos Aires

Prof. Vinuesa is a Professor of Public Law and Human Rights at the University of Buenos Aires (1984-present) and has taught at several prestigious institutes such as the Institute of Foreign Service of the Nation (ISEN), Ministry of Foreign Affairs, International Trade and Worship, School of Naval Warfare, Armada Argentina and University of Belgrano,, Universidad Austral, Torcuato Di Tella University, Center for International Studies of Buenos Aires. His memberships to key international bodies include Commission of Jurists created by Law No. 24,967 for the elaboration of the " Digesto Jurídico Argentino ", Ministry of Justice of the Nation, January 2000, United Nations Conference on Trade and Development (UNCTAD) since 1999, Arbitral Tribunal of the Uruguay River Administrative Commission (CARU), since 1989.



**Judge Raymond Ranjeva** - Madagascar

Former Judge and Vice-President, International Court of Justice

Raymond Ranjeva has, served as a judge on the International Court of Justice from February, 1991 until February, 2009. He served as Vice President of the International Court of Justice from 2003 until 2006 and has been a Member of the Court since 1991, having won reelection in 2000. Prior to his election to the Court, he was a Professor of Law at the University of Madagascar from 1981 to 1991.



**Prof. Roy Smith Lee** - China

Professor, Yale University School of Forestry and Environmental Studies

Dr. Lee is a Professor at the School of Forestry and Environmental Studies, Yale University. He is also the Permanent Observer to the United Nations for the Asian African Legal Consultative Organization. In the 1990s, he was Director of the Codification Division of the Office of Legal Affairs, and Secretary of the International Law Commission, the Sixth (Legal) Committee of the General Assembly and three other treaty-making bodies. He was the Executive Secretary of the UN Conference for the Establishment of the International Criminal Court. He has published and edited nine books and several articles on various subjects of international law.



**Prof. Rudiger Wolfrum** - Germany

Director Emeritus Max Planck Institute for Comparative Public Law and President, International Tribunal for the Law of the Seas

Prof. Wolfrum is the President of the International Tribunal for the Law of the Seas (ITLOS). He has been Professor of National Public and International Public Law at several universities; Director, Max Planck Institute for Comparative Public Law and International Law, Heidelberg (1993–2013); Professor, Faculty of Law, University of Heidelberg (1993–2013); Vice-President, German Research Foundation (1996–2002);

Honorary Professor, Faculty of Law, University of Hamburg (2002–present); Vice-President, Max Planck Society for the Advancement of Science (2002–2005); Honorary Professor, Faculty of Law, University of Pretoria; Member, Board of the Max Planck Foundation on International Peace and Rule of Law (2012–present).



**Dr. Santiago Torres Bernardez** - Spain

Former Registrar and Ad-hoc Judge, International Court of Justice

Dr. Santiago Torres Bernárdez is a Spanish lawyer & arbitrator in international investment arbitrations at ICSID and PCA. He served as Chancellor from 1980 to 1986, and as Head of the Office and Chief Administrative Officer of the International Court of Justice (ICJ) in The Hague. In addition, he worked as an ad hoc judge in seven cases at the IGH. In 1987 he received the Grand Cross of the Order of Mérito Civil in his home country and in 1993 an honorary title from the University of Alcalá







**Prof. Shinya Murase** - Japan

Professor Emeritus, Sophia University, Tokyo

Professor Murase, a professor of law at Jochi (Sophia) University Faculty of Law and Visiting Professor at Law School, China Youth University of Political Studies. Currently he also serves as a member of the UN International Law Commission. He has also been a visiting professor at several prestigious universities such as Harvard Law School and Columbia Law School; a judge on the Administrative Tribunal of the Asian Development Bank. He is member of the Curatorium at the Hague Academy of International Law(2004-present); Member of the Executive Council,

Kokusaiho Gakkai (Japanese Society of International Law) (1988-Present); Member of the Executive Council, Kokusaiho Kyokai (Japan Branch of the International Law Association)(1992-Present).

**Prof. Sienho Yee** – China

Changjiang Xuezhe Professor of International Law, Wuhan University Institute of Boundary and Ocean Studies and Institute of International Law

Changjiang Xuezhe Professor of International Law and Chief Expert, Wuhan University Institute of Boundary and Ocean Studies and Institute of International Law and the Editor-in-chief of Chinese Journal of International Law (Oxford; SSCI). He obtained his Juris Doctor Degree in 1993 from Columbia University Law School. Later, he has served as the assistant to Judge Cowen of US Federal Appeals Court and Judge Li Haopei working in UNICTY, a law officer in IMF, and a teacher on Public International Law in American Law Schools.



**Sir Christopher John Greenwood** - United Kingdom

Judge, International Court of Justice

Sir Christopher John Greenwood CMG QC is an English judge at the International Court of Justice. Prior to his election, he was professor of international law at the London School of Economics and a barrister who regularly appeared as counsel before the International Court of Justice, the European Court of Human Rights, the English courts, and other tribunals. He has rendered legal and advisory opinion in the case of 'Legality of Use of Force against Iraq' (2002) and acted as counsel for UK in the Oidamic Case before ICTY. His notable appearances include Aerial Incident at Lockerbie, Case concerning Legality of Use of Force (Yugoslavia v. United Kingdom) ICJ Reps, 1999, R. v. Bow Street Magistrates, ex parte Pinochet case. , Armed Activities in Congo (Congo v. Rwanda) before ICJ, Nicaragua case.

**Dr. Stanimir A. Alexandrov** - Bulgaria

Partner, Sidely Austin LL.P. Washington D.C.

Stanimir A. Alexandrov is co-leader of the firm's International Arbitration group. Mr. Alexandrov focuses his practice in the areas of international dispute resolution, including investor-state arbitration and international commercial arbitration, and resolution of trade disputes before the World Trade Organization (WTO). He has represented private parties and governments in arbitration before the International Centre for Settlement of Investment Disputes (ICSID), as well as in ICC, UNCITRAL, and AAA international arbitrations, and serves frequently as an arbitrator. He is also a professor at the George Washington University Law School in Washington, D.C.



**Prof. Symeon Symeonides** - Cyprus

Alex L. Parks Distinguished Professor of Law and Dean Emeritus, Willamette University

He was Dean, College of Law at Willametter (1999-2011) and has taught at the University of Thessaloniki (1976-78), and Louisiana State University, where he was the Judge Albert Tate Professor of Law (1987) and vice chancellor (1991-97). He also taught at the universities of Paris-I (Sorbonne), Paris-V (Descartes), Aix-en-Provence, Louvain-la-Neuve, among many other universities. He drafted the Louisiana codification on Conflict of Laws, the Oregon codification for Tort conflicts, and a draft Code of Private

International Law for Puerto Rico. His scholarly work has been honored with The Robert L. Misner Award (2012, 2016); The Courtland H. Peterson Senior Scholar Prize (2013); a Certificate of Merit by the American Society of International Law (2015); a Lifetime Achievement Award by the American Society of Comparative Law (2015),. He is also the President of the International Association of Legal Science.



**Prof. Tullio Rudolfo Treves** - Italy

Professor of International Law University of Milan & Former Judge of the International Tribunal for the Law of the Sea

Judge Tullio Treves, Doctor of Law, is Professor of International Law at the University of Milan and Judge at the International Tribunal for the Law of the Sea, Hamburg. He was the coordinator of the French Language Group of the Drafting Committee of the Third UN Conference of the Law of the Sea. He is a Member of the Institut de droit international, Law of the Sea Institute; and American, French and Italian Societies of International Law. In addition to delivering scholarly lectures at universities around the world, Judge Treves, is the author of numerous books and articles in various fields of public and private international law, law of the sea and environmental law.







**Prof. W. Michael Reisman - USA**

Myres S. McDougal Professor of International Law at the Yale Law School

W. Michael Reisman is Myres S. McDougal Professor of International Law at the Yale Law School. and visiting professor at several universities. He is a Fellow of the World Academy of Art and Science ; President of the Arbitration Tribunal of the Bank for International Settlements, and a member of the Board of The Foreign Policy Association. He was President of the Inter-American Commission on Human Rights of the Organization of American States, Vice-President and Honorary Vice-President of the American Society of International Law. He has served as counsel and presiding arbitrator in the OSPAR arbitration (Ireland v. UK) and arbitrator in the Eritrea/Ethiopia Boundary Dispute and in the Abyei (Sudan) Boundary Dispute.

**Prof. Yogesh Tyagi - India**

Vice-Chancellor, Delhi University

Prof. Yogesh Tyagi has a Doctorate in International Legal Studies , School of International Studies, Jawaharlal Nehru University, New Delhi and LL.M in Legal Studies, Columbia University. He was also Dean and Professor of Faculty of Legal Studies at South Asian University (SAU). Dr. Tyagi has also authored a number of publications including The UN Human Rights Committee: Practice and Procedure (2011), The Denunciation of Human Rights Treaties (2008) and Legal Aspects of Minority Languages (2006).



## LIST OF SECRETARIAT STAFF TO PARTICIPATE IN THE SESSION FOR ADMINISTRATIVE SUPPORT

Name	Nationality
Béatrice Bonafé	Rome, Italy
Niki Aloupi	Paris, France
Fedelma Smith	La Haye, Netherlands
Vincent-Joël Proulx	Singapore
Mamadou Hébié	Lieden, Netherlands
Bérénice K. Schramm	Paris, France
Katherine Del Mar	London, UK
Caroline Kleiner	Paris, France
Susan Fewings	UK
Jocelyne Lefranc	Belgium
Paulette Quirin	Belgium
Elise Ruggeri	Geneva, Switzerland
Claudine Schwab	Switzerland
Karine Dreyfus	Budapest, Hungary
MARIE DALCQ	Brussels, Belgium
Joseph Delort	Nyon, Switzerland
Isabelle Gerardi	Laconnex, Switzerland
Paul Mulhauser	Montreux, Switzerland
Iris van der Heijden	Geneva, Switzerland
Marc Pedone	Paris France



**CHAPTER - 6**  
**POLITICAL AND SECURITY**  
**CLEARANCES**

For any international conferences that are organized in the country which sees immense participation from the international dignitaries, the organizers need to obtain a prior clearance from the central government, primarily the Ministry of External Affairs and Ministry of Home Affairs. The two categories of clearances are explained below.

### **Political Clearance from Ministry of External Affairs**

Ministry of External Affairs has a set of guidelines that needs to be followed by organizers of international conferences and seminars. The guidelines for conducting international conferences have been liberalized in the year 2000. The procedure has been explained below which will enable the participating delegates to obtain 'Conference Visa'.

#### International Conference

For a conference to be categorized as an international conference, the guidelines requires that the substantive discussions / deliberations/ interactions / exchange of thoughts should take place on a subject matter / (s) which has relevance across borders and witnesses participation from members belonging to / citizens of other countries. The organizers have the discretion to give it any nomenclature i.e. international conference or seminar or workshop or event. However for the same to obtain an international character the above two broad requirements needs to be fulfilled.

Accordingly, for the purposes of general understanding, the guidelines also explains what does not constitute as an international event for which political clearance from the Ministry of External Affairs needs to be obtained:

- Meetings organized by any business institution having foreign participants from its sister concern abroad, and solely on the subject matter with the business issues of that business institution.
- Sports meet and sports events organized by recognized sports bodies of India where sports-persons of foreign countries will take part.
- Events of performing arts such as Drama Festivals, Mussaira, Kavi Sammelan etc. in which groups from foreign countries will take part.
- Meet of businessmen/industrialists from India and abroad organized by Indian Chambers of Commerce where trade and business issues will be discussed.

#### Application for Political Clearance

The organizers conceiving an idea of holding an event in India will be required to submit proposal which must contain information like:-

- Name of the organizer with complete mailing address.
- Topic/Topics to be covered in the event.
- Venue of the event.
- Date of the event.
- Tentative lists of the participating countries and participants with nationality, brief background suiting participation in the event, address, personal and passport details.

The Proposal should be submitted to a '*nodal agency*' that in turn will run a background check of the participants. The '*nodal agency*' will then obtain requisite clearance from the Ministry of Home Affairs and or other agencies, if necessary within the time frame (8 weeks). This is extremely useful for the organizers as it provides for a single window clearance.

For the purposes of obtaining clearances, the nodal/administrative Ministry means the Ministry of Govt. of India which is dealing/regulating framing rules etc. in respect of subject matter chosen for the event. For example, if an organizer is proposing to hold an event on the topic of 'Adult Non-formal education', then, the nodal/administrative ministry shall be Ministry of HRD, department of Education. Suppose an organizer proposes to hold an event on topic related to empowerment of women in India then the nodal ministry shall be Ministry of Social Welfare, Department of Women and Child Development etc. For the purposes of hosting the Session of the Institute of International Law, the nodal agency was the Ministry of External Affairs.

*Time Frame:* The Organizers are required to submit their proposal at least eight weeks prior to commencement of the event.

Visa to the foreign participants

Once an event is cleared by nodal Ministry, organizers may send invitation to foreigners who wish to participate in the event. Foreigners should invariably be advised to opt for 'conference visa' only. In the Invitation letter, the organizers should mention the details of clearance accorded by nodal Ministry for conducting the event. With invitation letter the participants should approach Missions abroad for grant of conference visa.

Onus of obtaining clearance for event

The guidelines specifically advise that the organizers should not approach the Ministry of External Affairs and / or Ministry of Home Affairs directly unless they are the nodal ministry. Rather they should only approach the nodal agency depending upon the subject matter of the event. It then becomes the responsibility of

the nodal agency to obtain requisite clearance from the relevant ministries of the Government. Onus of obtaining clearance of MHA & MEA would rest with nodal/administrative ministries and not with the organizer.

Steps to be taken for smooth clearance of event

Organizers are advised to go through the streamlined channel of submission of proposals for the events and adhere to the time frame (at least 8 weeks ahead of event). If the above procedure is followed, there will not be any difficulty in getting clearance of event in time. MHA assures all cooperation and help to organizers of various events.

**Security clearance from Ministry of Home Affairs**

Upon writing to Ministry of External Affairs for the purpose of obtaining Political Clearance, we were advised by the Ministry to write separately



to the Ministry of Home Affairs to obtain Security Clearance. Security clearance is granted by the Ministry of Home Affairs after assessing reports received from the Central Intelligence and investigating agencies from the national security point of view.

The Ministry of Home Affairs has formulated a policy for national security clearance for certain sensitive sectors of the economy by codifying all existing practices. In addition, the policy has also liberalized certain investment restrictions existing earlier. The new policy is aimed at bringing about a healthy balance between meeting the imperatives of national security and facilitating ease of doing business and promoting investment in the country.

#### Application for Security Clearance

Application for Security Clearance has to be forwarded by the concerned nodal agency to the Ministry of Home Affairs at least 30 days prior to the commencement of the event. If the event includes participants from the countries for which prior 'security clearance' is required, details in the following format should be sent to the Ministry of Home Affairs at least 30 days prior to the commencement of the event so as to enable adequate time to process the requisite security clearance.

The request for holding international conferences requiring security clearance from the Ministry of Home Affairs (Foreigners Division) will be submitted by private organizers – be it an NGO or a private institution to the Ministry of Home Affairs (Foreigners Division) for requisite clearance within the prescribed time frame i.e. at least 60 days prior to the commencement of the event along with the complete details of the participants from the Prior Reference Category countries i.e. Afghanistan, China, Iraq, Pakistan,

Sudan, Foreigners of Pakistani origin and Stateless persons in the format given above.

Participants from Pakistan are required to apply for visa at High Commission of India in Islamabad 'on line'. While submitting the proposals for security clearance to the Ministry of Home Affairs (Foreigners Division), the Unique ID (File no.) of the visa application in respect of participants from Pakistan who have applied for visa at HCI Islamabad may invariably be furnished along with the application. Clearance in respect of participants from Pakistan will be given by the Ministry of Home Affairs only 'on line'. For the Session of Hyderabad none of the members of the Institute belonged to Pakistan.

All such proposals requiring clearance as mentioned above should be addressed to the Section Officer (CC), Foreigners Division, Ministry of Home Affairs, NDCC-II Building, Jai Singh Road, OFF Parliament Street, New Delhi –110001.

In view of the revised procedure for grant of conference visa as explained above, clearance from the Ministry of Home Affairs for holding an event from security angle would be required only in respect of cases covered above. No security clearance would be granted by MHA for any event which is not covered above.

#### **Gratis Visa**

Gratis (free of charge) Visa are issued to those holding Diplomatic or Official passports and to persons of the following nationalities: Afghanistan, Argentina, Bangladesh, Hungary, Jamaica, Maldives, Mauritius, Mongolia, Poland, Republic of Slovakia, South Africa and Uruguay. To ensure maximum participation from the members of the Institute an attempt was also made ensure that *gratis* visa is issued to



members, their accompanying persons and staff of the institute as the visa charges from western countries is usually high. In this regards, a request was made to the Ministry of External Affairs to consider and instruct the Indian embassies established abroad to issue free of cost or *gratis*

visa. Given the stature of the event and the high profile of the members expected to participate in the event, our request for issuance of *gratis* visa was accepted subject to submission of documents certifying the security and political clearances received from the government.

F. No. 42170622/CC  
 Government of India  
 Ministry of Home Affairs  
 (Foreigners Division)

NDCC-II Building, Jai Singh Road,  
 New Delhi-110001, Dated:11.07.2017

To  
 Dr. V. Balakista Reddy  
 Prof. of Law & Registrar  
 NALSAR University of Law, Hyderabad  
 Post Box No. 1, Justice City, Shameerpet,  
 Medchal District, Hyderabad- 500101, Telangana.

**Subject:- 78<sup>th</sup> Session of the Institute of International Law from 3<sup>rd</sup> to 10<sup>th</sup> September, 2017 at NALSAR University of Law, Hyderabad.**

Sir/Madam,

I am directed to refer to your letter no nil dated 17.06.2017 on the above mentioned subject and to convey this Ministry's 'no objection' in principle for obtaining Conference Visa for foreign participants in the above mentioned event(s) subject to usual checks as prescribed.

2. The organisers are also requested to obtain Political clearance from Ministry of External Affairs and necessary clearance from various other authorities in connection with the event.
3. The foreign participant should submit online application for visa at [www.indianvisainline.gov.in](http://www.indianvisainline.gov.in) immediately.
4. Indian Missions abroad are authorized to issue Conference Visa to delegates on production of an invitation letter from the organizer(s), a copy of this letter and a copy of the communication from the Ministry of External Affairs conveying political clearance.
5. However, Visa for participants from (1)Afghanistan (2)Iraq, (3)Pakistan (4)Sudan (5)Foreigners of Pakistan origin and (6)Stateless persons can be issued only after MHA Clearance. Therefore, online application for Visa must be made at least 60 days in advance. Simultaneously, information about the participants from these countries should also be made available to the Foreigners Division, Ministry of Home Affairs in the format given below.

Format for furnishing information

S.No	Name	Father's / Husband's Name	Date of Birth	Place of Birth	Nationality & Passport No.	Date of Issue	Place of Issue	Date of Expiry	Online visa application Number	Address in country of residence

[Note: All fields are mandatory]

6. If the number of participants from/of the above mentioned countries is more than 15, the information should be provided in soft copy (in excel (.xls) format) in CD (in Triplicate) also.
7. Applications/list of participants from the above mentioned countries not submitted in time are liable to be summarily rejected.

Yours faithfully

*R.K. Aiyá*  
 (R.K. Aiyá)  
 Section Officer  
 Ministry of Home Affairs  
 Government of India  
 New Delhi



# **CHAPTER - 7**

## **INFRASTRUCTURAL CHANGES IN NALSAR**

The University NALSAR University of Law was established to strengthen the pillars of justice, equality and fair play as well as to inculcate values in higher education. The campus is located on the outskirts of the city on a sprawling 55 acre land near the Shameerpet Lake in Hyderabad. It has to its credit state-of-the-art infrastructure which includes spacious and well-stocked Library, internet access in the student hostels, Moot Court Hall, conference venues, auditorium and sports facilities, the campus enables the all-round development of students. The infrastructural framework of NALSAR has been highlighted previously and for the sake of maintaining brevity, the same shall not be repeated.

However certain infrastructural modifications were required to be made at NALSAR for the conduct of the Session at NALSAR.

### **Renovation of the M.K. Nambyar SAARC Law Centre Video-Conference Hall**

It was decided that the Plenary Session of the Institute would be held at the Video-Conference

Hall located in the MK Nambyar SAARC Law Centre. For this purpose certain structural changes were required to be made.

Our existing sound and mike system was not upto the international standards and the number of microphones available on a table were also limited and old. Hence we changed the entire sound system of the Conference Hall, installed new advanced microphones, high density speakers, digital/analog amplifiers, LED projector, HD camera (IP address), control panel (Integration) and video conferencing facility (remote connection), increased the number of microphones to ensure that at least one microphone is available for two members sitting on a table. To make the tables more functional, we also added electrical points beneath each table so as to ensure that the members can charge their electrical appliances while participating in the affairs of the Plenary Session.

It was mandated by the Institute that we needed to have interpretation facilities in the hall where Plenary Session was scheduled to be conducted. This was a major infrastructural upgradation that





was required to be made. Accordingly we hired vendors who could make and install interpretation booth which can accommodate at least 2 to 3 interpreters. Further, basic electrical provisions were made within the booth as well for the use by interpreters. Accordingly communication lines were laid from the booth to each table and a headgear was provided for each member who wanted to avail the interpretation services.

Since these activities required a lot of digging, it was decided to replace the carpets and blinds in the conference hall as they had become old and required replacement.

### **Modification in the Seminar Halls**

The Seminar Halls were scheduled to be used as venue for the Working Commission to accommodate 15 to 20 members at a time. The existing seating capacity of the Seminar Halls was changed in the format of a roundtable and other requisite arrangements were made. Working chambers for all the stakeholders with individual desktops, AIO printers created.

### **Renovation of Washrooms**

The washrooms existing in the SAARC Law Centre underwent complete renovation to suit international standards. The sanitary fittings were replaced and measures were taken to ensure that constant hygiene is maintained.

### **Up-gradation of Internet Facilities and IT Framework**

To ensure smooth conduct of the session which was heavily reliant on the internet facilities of the university, it was decided to add more Wi-fi access points in the areas where the Plenary Sessions and Working Commissions were scheduled to be held and the Secretariat was established.

The University also procured new computers, three-in-one printers, heavy duty photo-copying machines, laptops, etc. to meet the requirements of the Institute.





# **CHAPTER - 8**

## **INTERPRETATION SERVICES**

Simultaneous interpretation is the process where the interpreter needs to interpret what the speaker is saying at the same time as they are speaking. There is no delay between the interpretation and what the listeners are receiving. The interpreter can pause for no more than a couple of words behind the speaker. The pause is also only taken just to process the speech and process the interpretation. This type of interpretation is used commonly in the speeches given at the United Nations. Even presidential speeches or any large international conferences often make use of simultaneous interpretation. During professional simultaneous interpretation in the booth the interpreter wears a headset, listens to the original text from the podium or the “floor” microphone and interprets it into the target language for the target audience who is wearing headsets.

The official working language of the Institute is French and English. Hence the members (both on the dais and off the dais) can speak in English and / or French depending upon their requirement. Hence provision needs to be mandatorily made by the Host Institution to appoint at least two to

three interpreters certified by AIIC i.e. International Association of Conference Interpreters for the purposes of simultaneous interpretation at the Plenary Session.

The process to appoint interpreters started almost a year before the Session. For the purposes of interpretation the Institute regularly used to hire from a set of shortlisted pool of interpreters and upon the insistence of the President of the Institute, we approached two main Conference Interpreters Mrs. Carine Puttevils, Conference Interpreter (AIIC) from Brussels and Mrs. Karine Dreyfus from Budapest. Accordingly a contract was entered between the interpreters and requisite payments were made.

As per the Contract the University has to book the air tickets, provide local transport, make arrangements for their accommodation and food and should pay the agreed remuneration. The University had booked the air tickets and made arrangements for their accommodation and food at Leonia where the other members and staff are staying.





# **CHAPTER - 9**

## **TRANSPORTATION ARRANGEMENTS**

As a part of the programme the following forms of transportation arrangements were supposed to be made by the University:

- Picking up the members from the airport and taking them to their preferred choice of hotels when they arrive at Hyderabad
- Local Transportation from Hotel to University and vice-versa at regular intervals depending upon the schedule of the session
- Arrangement of transportation for the Spouses Tour who will be touring the city during the Session.

Barring the above mentioned mandatory transportation arrangements that were required to be made by the University, the following optional arrangements were also made

- Transportation for the purposes of taking the members and staff for special dinners organized in the city on the following two occasions:

- Light and Sound Show at Golconda Fort followed by Dinner at Taramati Baradari
- Closing Ceremony Dinner at Taj Falaknuma
- Individual Transportation arranged for the members on special request for travelling to the city

The University having regards to its mandatory requirements of arranging transportation called for tenders and accordingly Tender quotations received from different vendors. The lowest vendor i.e. Santosh Travels was selected and the work order was issued in consonance of the same.

A Transportation Committee was constituted by NALSAR to oversee and coordinate the transportation arrangements at par with international standards.



# **CHAPTER - 10**

## **AIRPORT CLEARANCES AND SECURITY ARRANGEMENT**

## Security Arrangements

The members participating in the Session are high profile members who usually are entitled to 'Z-level' security when they are serving on professional front. As can be seen from their profiles, they are at the helm of legal academia, judiciary, and practice and can be categorized as V.V.I.P. Hence ensuring their safety and security was one of our most important priorities. Moreover, this was also important given the fact that this was a maiden visit for most of the members to India.

Accordingly the University officials approached State Security Division for getting the requisite police protection. The following nature of assistance was required from the State Security Division:

- Deployment of Police officials in NALSAR University and Leonia Resorts and Holistic Destination where the session was scheduled to be held and the accommodation arrangements were made respectively. Additionally, police officials were also stationed in the vehicles carrying the members.
- Police Convoy to accompany the vehicles commuting the members from Hotels to University and vice versa and any other individual travel arrangements undertaken by the members
- Police Convoy to accompany the vehicles commuting the spouses for the Spouses Tour.
- Traffic Clearances for members throughout the city.
- Constant Patrolling by Police in the areas where the members would be residing / meeting for plenary sessions / scheduled to visit in the city.

## Intimation to State Security Division

Official Letters were written to the following officials:

- Shri. Anurag Sharma, Director General of Police – for overall security arrangements and necessary instruction
- Mr. Sandeep Shandilya, I.P.S., Commissioner of Police, Cyberabad
- Mr. Mahesh Bhagwat, I.P.S., Commissioner of Police, Rachakonda
- Sri M Mahendar Reddy, I.P.S., Commissioner of Police, Hyderabad City,
- Dr. Y. Sai Sekhar, Deputy Commissioner of Police, Balanagar, Hyderabad,
- Shri. Muralikrishnan, I.P.S, Director General of Police,
- Dr V. Ravinder, IPS, Jt. Commissioner of Police (Traffic)
- Shri. A. V. Ranganath, I.P.S. Deputy Commissioner of Police (South District)
- Shri. L.S. Chauhan, I.P.S. Deputy Commissioner of Police (North District)
- Shri. Vijay Kumar, I.P.S. Joint Director, Intelligence Bureau

## Meetings

Upon sending official communication, a preliminary meeting was conducted with all the above-mentioned officials. Thereupon prior to the event a meeting was conducted in NALSAR with more than 50 police officials and department heads participating in the event. The following discussion took place and instructions received from the Police officials:

The Registrar extended a warm welcome to all the officials and briefed them about the programme. He informed the members that the delegates are coming from different countries all



over the world and includes the sitting and former judges of the International Court of Justice (ICJ) and International Criminal Court (ICC). He requested the officials for their co-operation in making the event successful by providing the necessary security arrangements and also by issuing necessary orders for the clearance of the traffic in the places where the delegates visit as part of their programme.

The officials assured their full support and requested to Registrar to provide the following information at the earliest:

1. Arrival details of the delegates along with the vehicle number and particulars of the drivers;
2. Programme Schedule
3. Accompanying Persons Tour Programme schedule along with the details of the places, Venue for Lunch, Vehicle No., Driver Particulars etc.
4. Departure details of the delegates datewise along with the details of vehicle and the drivers;

The Officials have suggested that the vehicles from the airport should come through the ORR only and not from the city. On the September 5, 2017 (Ganesh Nimajjanam Day) when there is a programme to Golconda, they suggested to go through the ORR and after the Telangana State Police Academy to go from Narsingi Village and reach Golconda through the Military Area to avoid the traffic due to the procession of the Ganesh Idols for Nimajjanam. They further suggested to reach Taj Falaknuma for dinner scheduled on September 9, 2017 by 7:00 p.m. so that the delegates can join the Taj Falaknuma tour. It was suggested by the members for arrangement of packed food for the drivers, staff and the security personnel as Taj Falaknuma does not

provide the same.

It was agreed by the members that Staff will be deputed for liaising the security arrangements at the airport, at Leonia Resorts, at Aalankrita and at NALSAR Campus. In addition, it was agreed to provide one staff members in the Bus for tour of the accompanying persons for liaising with the concerned officials for traffic clearance and for making necessary security arrangements at the places of their visit by the local police officials.

The Registrar further requested Shri M.K. Singh for providing a Pilot Vehicle for the delegates when they are travelling from the Hotel (Leonia / Aalankrita) to NALSAR Campus and vice-versa and also to the Hotels where Lunch and Dinner is arranged. He informed the members that only on September 5 (at Taramati Baradari) and on September 9 (at Taj Falaknuma) the Dinners were arranged in the City and on September 10 the Lunch is arranged at Ramoji Film City. On all other days the Lunch and Dinners are arranged at Leonia / Celebrity / Aalankrita only.

The members suggested to send a formal letter for arrangement of pilot vehicle with the details on the days and the programme.

The meeting concluded with vote of thanks by the Registrar to all the Officials.

All the members inspected the premises and the venues for the programme on campus after the meeting.

### **Airport Clearances**

Most of the members were travelling to India for the first time. For ensuring their smooth completion of formalities at the airport, the requisite authorities in the airport were informed. For this purpose the following departments were approached with the following requests:

Shri. Vikram Thummala, D.I.G. Central Industrial Security Force (CISF) – They are responsible for Airport Security. This department was approached for the purposes of ensuring that the team that will be send from NALSAR to receive the members and staff gets access to receive the members from the Immigration Desk. However, since the department is in friendly relations with University, they gave us access till the aircraft and the members were received right from the aircraft.

Shri. Bankey Behari Agrawal, Chief Commissioner, Hyderabad Zone and Shri. Bhaskar Reddy, Deputy Director of Immigration, Hyderabad– These officials were approached with the request for setting up a separate Immigration and Custom Clearance Desk at the Airport designated specifically for the members and staff travelling for attending the Hyderabad Session of the Institute. They complied with our request and a separate desk was established for

this purpose wherein the members can directly report upon their arrival for the requisite clearances without any hassle of standing in long queue.

Shri. G. M. Rao, Group Chairman, GMR Group: The office of Shri G.M. Rao was also approached for the purposes of establishment of two Help Desks at the point from where the members get down from the bus and outside the arrival gate (to coordinate the vehicle movement). It was also requested to provide access to 4 NALSAR University Staff on rotational basis to operate at this help desk. They were also requested to open a VIP Lounge exclusively for the international delegations from August 30th to September 15th and make necessary arrangements for tea, coffee and snacks for the visiting delegations and any other Protocol or other courtesies that was required to be extended to international delegations and diplomats

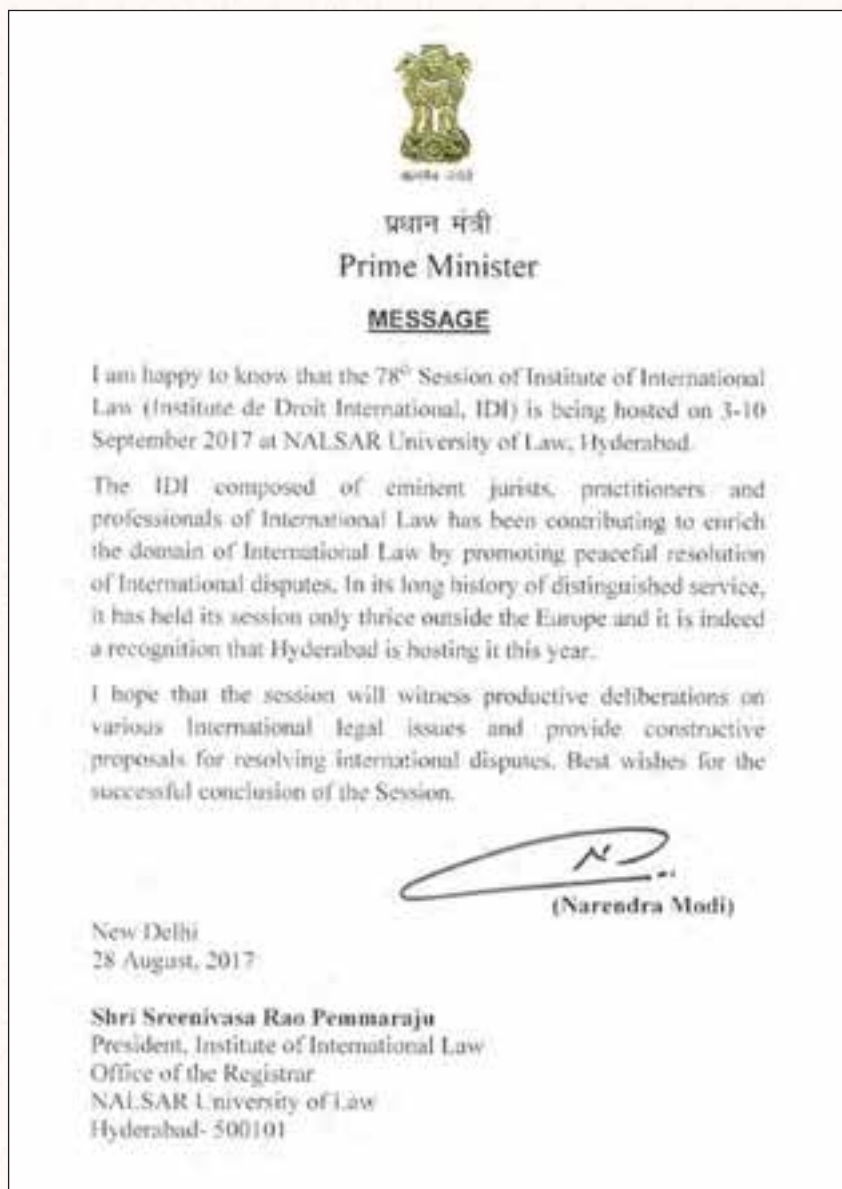


# **CHAPTER - 11**

## **SESSION SCHEDULE**

The University through the President of the Institute of International Law Dr. P.S. Rao had approached the Hon'ble Prime Minister of India Shri. Narendra Modi to inaugurate the Session of the Institute on 3<sup>rd</sup> September 2017. Even

though he expressed his inability to inaugurate the Session, nevertheless he congratulated Dr. Rao and NALSAR University for organizing such a prestigious Session. We are proudly attaching the letter herewith.



### **Arrival of the Staff and Members for the Session:**

The staff of the Institute arrived few days in advance to oversee the arrangements and to set up the Secretariat and Minute taker's room. They stationary requirement was already procured

from the University and as per their requirements (identified under Chapter – III), the rooms were also set up.

Few members including Lord Lawrence Collins also arrived few days in advance to travel across the city and get adjusted to the time difference.



## Schedule of the Session

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### Sunday 3 September 2017

09:30 to 10:30	Bureau Meeting	Bureau Meeting Room
10:30 to 11:00	Meeting of the Board of the Auxiliary Foundation	Bureau Meeting Room
11:30 to 12:30	Meeting of the Programme Committee and Rapporteurs	Commission Room 3
13:15 to 15:15	Meeting of the 12th Commission (Mr. Wolfrum)	Commission Room 2
	Meeting of the 18th Commission (Mr. McLachlan)	Commission Room 1
15:15 to 15:30	Arrival of the IDI Members and spouses	University Auditorium
16:00 to 17:00	Welcoming Ceremony for the 78th Session of Institute of International Law	University Auditorium
17:00 to 17:30	Official Photograph	University Auditorium
17:30 to 18:00	High Tea	University Auditorium
18:00 to 19:00	Opening Ceremony for the 78th Session of Institute of International Law	Video Conference Hall, M.K. Nambyar SAARC Law Centre
19:00 onwards	Vice-Chancellor's Dinner	

### Monday 4 September 2017

09:30 to 13:00	First administrative meeting Elections Report on the revision of the Rules by the Ad Hoc Commission (Mr. Kirsch)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
13:00 to 15:00	Lunch	Aalankrita Resorts
15:00 to 18:00	Report of the 12th Commission (Mr Wolfrum)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
19:00 to 20:00	Cultural Performance: Classical Fusion	Convention Suite II, Leonia Resorts and Holistic Destination
20:00 onwards	Dinner	Convention Suite II, Leonia Resorts and Holistic Destination

### Tuesday 5 September 2017

09:30 to 13:00	Report of the 12th Commission (Mr Wolfrum)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
13:00 to 14:00	Lunch	Aalankrita Resorts
14:00 to 15:00	Meeting of the 4th Commission (Mr Basedow)	Commission Room 1
15:00 to 18:00	Report of the 16th Commission (Mr Kamto)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
19:00 to 20:00	Light and Sound Show at Golconda Fort	Golconda Fort
20:00 onwards	Dinner with Ghazal Music	Taramati Baradari Monument

### **Wednesday 6 September 2017**

09:30 to 13:00	Report of the 16th Commission (Mr Kamto)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
13:00 to 15:00	Lunch	Aalakrita Resorts
15:00 to 17:00	Report of the 3rd Commission (Lord Collins of Mapesbury)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
17:30 to 19:30	Public Round Table “Current Challenges to International Law” Moderator: Mr P.S. Rao Speakers: Mrs Xue, Messrs Koroma and Reisman	Video Conference Hall, M.K. Nambyar SAARC Law Centre
20:00 onwards	Dinner	Central Buffet, Leonia Resorts and Holistic Destination

### **Thursday, 7 September 2017**

09:30 to 13:00	Report of the 3rd Commission (Lord Collins of Mapesbury)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
13:00 to 15:00	Lunch	Aalankrita Resorts
15:00 to 18:00	Report of the 4th Commission (Mr Basedow)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
19:00 to 20:00	Cultural Performance: Folk Fusion Dance	Convention Suite II, Leonia Resorts and Holistic Destination
20:00 onwards	Dinner	Convention Suite II, Central Buffet, Leonia Resorts and Holistic Destination

### **Friday 8 September 2017**

09:30 to 13:00	Report of the 4th Commission (Mr Basedow)	Video Conference Hall, M.K. Nambyar SAARC Law Centre
13:00 to 14:00	Lunch	Celebrity Resorts
14:00 to 18:00	Discussion on draft revision of the Rules Adoption of the Resolutions	Video Conference Hall, M.K. Nambyar SAARC Law Centre
19:00 to 20:00	Cultural Performance: Kathakali	Convention Suite II, Leonia Resorts and Holistic Destination
20:00 onwards	Dinner	Convention Suite II, Leonia Resorts and Holistic Destination

## Saturday 9 September 2017

09:30 to 13:00	Meetings of the Commissions	Video Conference Hall, M.K. Nambyar SAARC Law Centre
10:00 to 12:00	Meeting of the 8th Commission (Mr Symeonides)	Commission Room 2
13:00 to 15:00	Lunch	Celebrity Resorts
15:00 to 18:00	Administrative meeting and closing ceremony Election of the new President and first Vice-President	Video Conference Hall, M.K. Nambyar SAARC Law Centre
20:00 onwards	Farewell Dinner	Taj Falaknuma

## Sunday 10 September 2017

10:00 to 14:00	Excursion	Ramoji Film City
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# **CHAPTER - 12**

## **INAUGURATION OF THE SESSION**

## Preparatory Work for Inauguration

The Institute was established in 1873, following the creation of the International Committee of Red Cross, to promote peaceful settlement of disputes amongst States. The proposal of the Institute provided the basis for the First Hague Peace Conference held in 1899, which also established the Permanent Court of Arbitration (PCA). In recognition of its services to promote peace among nations, Institute of International Law was awarded the Nobel Peace Prize in 1904. In that sense the Institute has the distinction of being the first among the international institutions like the United Nations and others which have since received the Nobel Peace Prize.

The tradition of the Institute is to hold its biennial meetings in Europe not only because initially its membership was mostly drawn from Europe but also because of the priority the European States and institutions attach to the codification and development of International Law. It is worth noting that in 144 years of its history, only three times it held its meetings outside Europe; and only once in 2013, in Japan, Asia. We had global competition in getting this event to India. The decision to hold a session in India is a mark of appreciation for India's major role in International Relations and its significant contribution to codification and development of International Law. It also gives an indication about NALSAR's reputation as leading law school.

For inaugurating the Session, letters for Chief Guest were written to various dignitaries including the following:

- Shri Narendra Modiji, Hon'ble Prime Minister of India, Govt of India
- Shri. M. Venkaiah Naidu, Hon'ble Vice-President of India

- Shri. L. Narasimhan, Hon'ble Governor, Telangana State
- Shri K. Chandrashekar Rao, Hon'ble Chief Minister, State of Telangana
- H.E. Smt. Sushma Swaraj, Minister for External Affairs
- Shri Ravi Shankar Prasad, Hon'ble Minister of Law & Justice and Electronics and Information Technology
- Shri Arun Jaitiley, Hon'ble Cabinet Minister for Finance, Minister of Finance,
- Shri Ravi Shankar Prasad, Hon'ble Minister of Law & Justice and Electronics and Information Technology
- Sri A. Indra Karan Reddy Hon'ble Minister of State for Housing, Law and Endowments Telangana Secretariat

Given the nature of the prestigious event which was going to be held for the first time in India, numerous dignitaries as mentioned afore-said were invited with a request to inaugurate the Session as the Chief Guest and / or Guest of Honor.

We received confirmation and consent from the office of the Vice-President of India Shri. Venkaiah Naidu. We subsequently received confirmation from the office of the Hon'ble Governor of Telangana State Shri. L. Narasimhan and the Office of Hon'ble Deputy Chief Minister of Telangana, Shri Mohammad Mahmood Ali. We had also invited Shri. Indra Kiran Reddy, Hon'ble Minister of State for Housing, Law and Endowments to grace the occasion. Our dignitaries were joined by Shri. Ramesh Ranganathan, Hon'ble Chief Justice of the High Court of Telangana and Andhra Pradesh and Chancellor, NALSAR and Dr. P.S.Rao, President, Institute of International Law.



**NALSAR University of Law, Hyderabad**

cordially invites you to the  
Inaugural Ceremony of the

**78<sup>th</sup> Session of Institute of International Law**

at 4:00 p.m. on Sunday, September 3, 2017  
in the University Auditorium  
at Justice City, Shameerpet 500 101

**Hon'ble Shri M.Venkaiah Naidu**

*Vice-President of India*  
will be the Chief Guest

**Hon'ble Shri E.S.L. Narasimhan**

*Governor of Telangana & Andhra Pradesh*

**Hon'ble Shri Md. Mohamood Ali**

*Deputy Chief Minister, Revenue, Relief & Rehabilitation,  
ULC, Stamps & Registration  
Government of Telangana*

&

**Hon'ble Shri A. Indra Karan Reddy**

*Minister for Housing, Law and Endowment  
Government of Telangana  
will be the Guests of Honour*

**Hon'ble Shri Justice Ramesh Ranganathan**

*Acting Chief Justice, High Court of Judicature at Hyderabad  
for the State of Telangana and the State of Andhra Pradesh and  
Chancellor, NALSAR University of Law  
will preside over the function*

**Prof. (Dr) V. Balakista Reddy**  
Registrar

**Prof. (Dr) Faizan Mustafa**  
Vice-Chancellor

Programme over leaf

## **PROGRAMME**

- 1601 hours National Anthem
- 1602 hours Welcome speech by Prof. (Dr) Faizan Mustafa, Vice-Chancellor, NALSAR University of Law
- 1605 hours Opening Remarks by Shri (Dr) Pemmaraju Sreenivasa Rao, President, Institute of International Law, Geneva, Switzerland
- 1610 hours Speech by Shri A. Indra Karan Reddy, Minister for Housing, Law and Endowment, Government of Telangana
- 1615 hours Speech by Hon'ble Shri Justice Ramesh Ranganathan, Acting Chief Justice, High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh & Chancellor, NALSAR University of Law
- 1625 hours Speech by Hon'ble Shri E.S.L. Narasimhan, Governor of Telangana and Andhra Pradesh
- 1635 hours Address by Hon'ble Shri M.Venkaiah Naidu, Vice-President of India, Chief Guest
- 1655 hours Vote of Thanks by Prof. (Dr) V. Balakista Reddy, Professor of Law and Registrar, NALSAR University of Law
- 1657 hours National Anthem
- 1700 hours HIGH TEA

Note : All the invitees are requested to be in their seats in the Auditorium by 1530 hours.



## Speeches delivered by Dignitaries

### Welcome Address by Vice-Chancellor, Prof. Dr. Faizan Mustafa



It is a matter of great honour and privilege for NALSAR Family to extend a very warm welcome to our Chief Guest, Hon'ble Shri M. Venkaiah Naidu Garu, the Vice-President of India. We are beholden to him for finding time from his otherwise hectic schedule. We are conscious of the fact that NALSAR is the first University to host the new Vice-President of India. Hon'ble Shri M. Venkaiah Naidu is son of soil and the pride of Telugu people. He is a farmer's son and his elevation as Vice-President proves the success of Indian democracy. He was National President of BJP from 2002-2004 and has been elected to the Upper House of the Parliament four times. He has held several portfolios as Cabinet Minister.

I also extend a warm welcome to Hon'ble Shri E.S.L. Narasimhan, Governor of Telangana and Andhra Pradesh. In last eight years he has emerged as people's Governor who reaches out to them whenever they need him.

I also extend a warm welcome to our beloved Chancellor, Hon'ble Shri Justice Ramesh Ranganathan, who is the Acting Chief Justice of

High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh. He has delivered several landmark judgements and is widely admired in the legal circles for his humility, integrity and competence.

I also welcome Hon'ble Shri Mahmood Ali, our Deputy Chief Minister who is visiting us for the second time and Hon'ble Shri A. Indra Karan Reddy, Minister for Housing, Law and Endowment. He has been helping the University in various ways and we look forward to his continued patronage.

I would also take this opportunity to welcome Dr. P.S. Rao currently President of IDI. It was a matter of great honour for the whole country when Prof. P.S. Rao was elected as the President of the IDI in 2015.

I also extend a warm welcome to several sitting and retired judges of International Court of Justice and other International Tribunals and other distinguished members of the IDI. I also extend a warm welcome to the Hon'ble Judges, Ministers, MLAs and other eminent people who are present here to make this event a memorable one for our University.

Institut de Droit International (IDI) by agreeing to host this prestigious session at NALSAR has accepted the International standing of NALSAR as leading Law School. IDI has made significant contribution to codification and development of International Law. It is worth noting that in 144 years of its history only three times IDI has held its sessions outside Europe and only once in Asia.

In last three years under the dynamic and visionary leadership of Hon'ble Shri Narendra Modi Ji, international standing of India as an emerging global power has been duly recognised in the international circles and this IDI Session will further enhance our global stature. Once again I welcome you all.

*Address about the Institute by Dr. P.S. Rao, President, Institute of International Law*



Distinguished Chief Guests, the Honorable Vice-President of India Shree Venkaiah Naidu garu and the Hon'ble Deputy Chief Minister, Hon'ble Minister for Law and Justice Indra Karan Reddy garu, Distinguished Vice-Chancellor, Distinguished Secretary General of the Institut de Droit International Professor Marcelo Cohen and Cher confreres and consoeurs of the Institut, and honored guests and dear members of the faculty and students of the NALSAR,

It is a privilege and honor for me to address you in my capacity as the President of the Institut and welcome you all on the occasion of the opening of its 78 Session at this historic city of Hyderabad, India. The gathering here of some of the most distinguished scholars and practitioners of international law under one roof is an event that happens once in two years. The Institute is happy to be at Hyderabad India for the first time since its inception in 1973. Personally it is a matter of great satisfaction to have been able to persuade the Institute to hold its deliberations at a place with which I have a special bondage having been born and brought up in these parts of our country. It is a privilege to be a member of IDI along with two other distinguished Indian international law scholars, Professor Yogesh Tyagi and Professor Chimni who have excelled as scholars and teachers carrying forward the rich Indian tradition in international law.

I also feel greatly honored and grateful to the Institute for bestowing upon me the privilege to serve the same as its President for the last two years. I sincerely thank one and all at the NALSAR and particularly the distinguished Vice-Chancellor Professor Mustafa ad the dynamic and very competent Registrar Professor Balakista Reddy and his dedicated staff, in particular Anita Singh and Nagalaxmi for the trouble they have been taking to ensure that the 78 Session a grand success.

For those of you who are not particularly familiar with the Institute, I must point out, that apart from its historic significance and the long distinguished service it rendered to its credit to promote justice and peace in the world on the basis of international law, the IDI is the only institution in the world which combines the work of both public and private international law, two distinct fields of international law, with some of the most celebrated scholars and practitioners in both the fields holding its membership. This feature may have looked a bit too advanced in earlier decades but since globalization of trade and economics; and human relations have become transnational with investments and mass migration, not to speak of protection of environment and survival of human kind which have become contemporary global priorities, the two fields of specialization, public and private international law, have been highly interlinked if not integrated into one. In that sense the Institute is both forward looking and highly advanced in its composition and contribution.

I thank you all on the dais and those of you in the audience for your presence this afternoon and the encouragement thus given to me as the President and the Members of the Institute who came from the four corners of the world to get on with our Session with renewed enthusiasm and commitment. After all we have many miles to go and cannot rest on the laurels of our past achievements. We are grateful for your good wishes,

Thank you all



*Address by Guest of Honor, **Shri Indra Kiran Reddy,**  
Hon'ble Minister of State for Housing, Law and Endowments*



I welcome Hon'ble Vice-President of India, Shri. M. Venkaiah Naidu garu, Hon'ble, Governor of Telangana and Andhra Pradesh, Shri. E.S.L. Narasimhan garu, Deputy Chief Minister of Government of Telangana, Shri Mahmood Ali garu, Acting Chief Justice of the High Court of Telangana and Andhra Pradesh and Chancellor, NALSAR Justice Ramesh Ranganathan garu, President, Institute of International Law, Dr. P.S. Rao garu, Vice-Chancellor, Prof. Faizan Mustafa, Registrar, Prof. Balakista Reddy and distinguished Members of IDI and all other dignitaries who are present here.

I welcome you all to Telangana and NALSAR University of Law, a premier Law School in the country and a proud institution of our State. I am delighted to know that NALSAR is the first institute in India and the second in Asia to host this Session in around 150 years of its history. Today is a big day for India in general and Telangana in particular to host this Prestigious 78th Session of IDI.

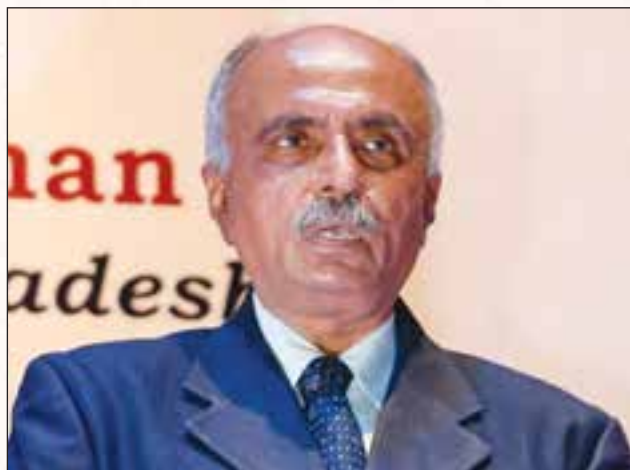
The new State of Telangana is rapidly progressing under the dynamic and visionary leadership of our beloved Chief Minister Shri K Chandrashekar Rao garu. Our Government under his leadership has taken several initiatives in bringing various legal reforms and enacting new laws, keeping in view the needs of our people.

I welcome you all to Hyderabad which is a historic city of India. It has witnessed a mix of cultures and religions from all over India. It is at the heart of India both geographically and otherwise. The State of Telangana of which Hyderabad is the capital flourished in the past in the form of the Kakatiya Kingdom. Later it was ruled by the Nizam Nawab, considered in his day as one of the richest kings of his time. The city of Hyderabad is full of monuments and historic sights and houses one of the most acclaimed museums containing the private collection of Salarjung, which I do hope you will have some time to visit and explore during your stay here.

I am happy to share that NALSAR has been assisting the Government of Telangana in many of our legal reforms including revision of land laws, bringing new agricultural laws, imparting training to the Officials of various Departments etc.

I am sure the distinguished delegates would brainstorm and come out with some important resolutions/ declarations which are going to help to resolve contemporary international law issues of the International Society. I wish this Conference a grand success.

Address by Hon'ble Shri. Ramesh Ranganathan, Acting Chief Justice,  
High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh &  
Chancellor, NALSAR



Hon'ble Vice-president of India, Hon'ble Governor of Telangana and Andhra Pradesh, Hon'ble Deputy Chief Minister, Hon'ble Law Minister and respected President of the Institute of International Law and the distinguished Vice-Chancellor, Registrar and distinguished Members of the Institute of International Law and other dignitaries.

It is a great pleasure to welcome you all on behalf of NALSAR University of Law to the 78<sup>th</sup> Session of the Institute De Droit International (International Law Institute) (IDI). The IDI which was established in 1873 has been awarded the prestigious **Nobel Peace Prize in 1904** for the efforts it made to promote peaceful settlement of international disputes on the basis of international law.

I feel proud that NALSAR is hosting this 78<sup>th</sup> Session at the premises. As Chancellor of University, I am deeply honoured to welcome the leading lights of public and private international Law including some sitting and retired judges of the International Court of

Justice (ICJ), Judges of international tribunals, arbitrators, distinguished Professors of International Law from Oxford, Cambridge, Harvard, Yale, Columbia and other premier legal institutions of world are participating in this Session.

We are grateful to Dr. P.S. Rao, who has risen from the ranks of Indian international lawyers, and currently the President of IDI, for playing an instrumental role in bringing this programme to India for the first time.

As you all know India attached great importance to international law and made it central to its foreign policy. Respect for international law is one of the cardinal principles of our Constitution. India is an original member of the United Nations (UN) and its role in modernizing the law of treaties and in fostering the concept of jus cogens (some sort of *Ordre Public* or public policy at the universal level) are well-known. India not only participated in all the UN codification conferences but took prompt steps to bring Indian law in line with its international commitments. Indian judiciary is proactive in breathing into Indian law and its application the most modern and enlightened concepts of international law governing the field of human rights and environment to guarantee fundamental rights under our Constitution, urban law, management of hazardous industry and wastes, and rights of the accused and ensuring due process of law.

For example, the Indian Supreme Court in one of the celebrated judgements, i.e., *Visakha v. State of Rajasthan* (AIR 1997, SC 3011) observed:



In the absence of domestic law occupying the field to formulate effective measures to check the evil of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into those provisions to enlarge the meaning and content thereof, to promote the object of the Constitutional guarantee.

Today this judgement stands as one of classic examples of the Indian Judiciary's role in complementing Indian law and its interpretation with principles of international law. Similarly, the case of *Vellore Citizens Welfare Forum v. Union of India and Others* (AIR 1996 SC 2715) may be noted where the Supreme Court due recognition to the “precautionary principles” and the “polluters pay principles” as part of the environmental law mechanisms of the country. The court held that

Even otherwise, once these principles are

accepted as part of the Customary International Law there would be no difficulty in accepting them as part of the domestic law. It is almost accepted proposition of law that the rules of Customary International Law which are not contrary to the municipal law shall be deemed to have been incorporated in the domestic law and shall be followed by the Courts of Law

In the *M.V.Naidu Vs. the A.P.Pollution Board*, the Supreme Court advanced the Indian case law further and integrated several principles of prevention and good governance developed by the International Law Commission and gave its judicial imprimatur.

To conclude, I am sure this 78<sup>th</sup> Session of the IDI at NALSAR University Law goes long way in guiding and inspiring Indian international law scholarship and legal profession to aligning the future direction of the development of Indian law with the dynamics of evolving international law principles and standards in the interest of justice and peace.

I wish the conference god speed and every success!

Thank you.



*Address by Guest of Honor, Hon'ble **Shri E.S.L. Narasimhan,**  
Governor of Telangana and Andhra Pradesh*



At the outset, I welcome all of you to Hyderabad. Today is red letter day for Nalsar in hosting this great international event, second of its type outside Asia. I must say that normally justice is perceived or is shown as holding scales by blind folded person. I think it is time that this blind fold is removed. I think now justice should be dispensed with open eyes and not in blind folded fashion, while the scale remains the same, justice.

It is pertinent to note that the International community today is witnessing several important developments in International Law. It is not an exaggeration to say that international Law affects daily life of each and every person. You cannot be expected to be insulated from the effects of International Law. International Law today affects every aspect of human life be it protection of human rights, protection of environment, protection of Intellectual Property Rights, resolving of the disputes in an amicable manner by the jurisdiction of the International Court and Tribunals.

As you all know, India has always been in the forefront in demonstrating its commitment towards its International obligations. India has contributed and participated in formulating numerous international conventions including promulgation of Universal Declaration of Human Rights. It is also actively engaged in promotion of environmental principals and trades practices.,

Human rights are inherent to all human beings by birth and not endowed by some external authority irrespective of nationality place of residence, place of region, gender or any other status. We are all equally entitled to human rights without any discrimination. Human rights are indispensable Independent, and interrelated whether they are civil, economic or political rights social, cultural rights or collective rights. The improvement of one rights facilitated advancement of other rights. The deprivation of one right adversely affects the other rights.

As emphasized by the Universal Declaration of Human Rights in 1948, the universality of human rights and non-discrimination are the corner stones of International Human Rights Law. These principals have been reiterated in numerous International human rights conventions, declarations and Conferences, What is today called for is a real definition of human rights. Human right is not something which can be defined by A nation, I think Human rights are universal in its concept and its perception. It is not as if country does something, it is violation of human rights and if other country does the same



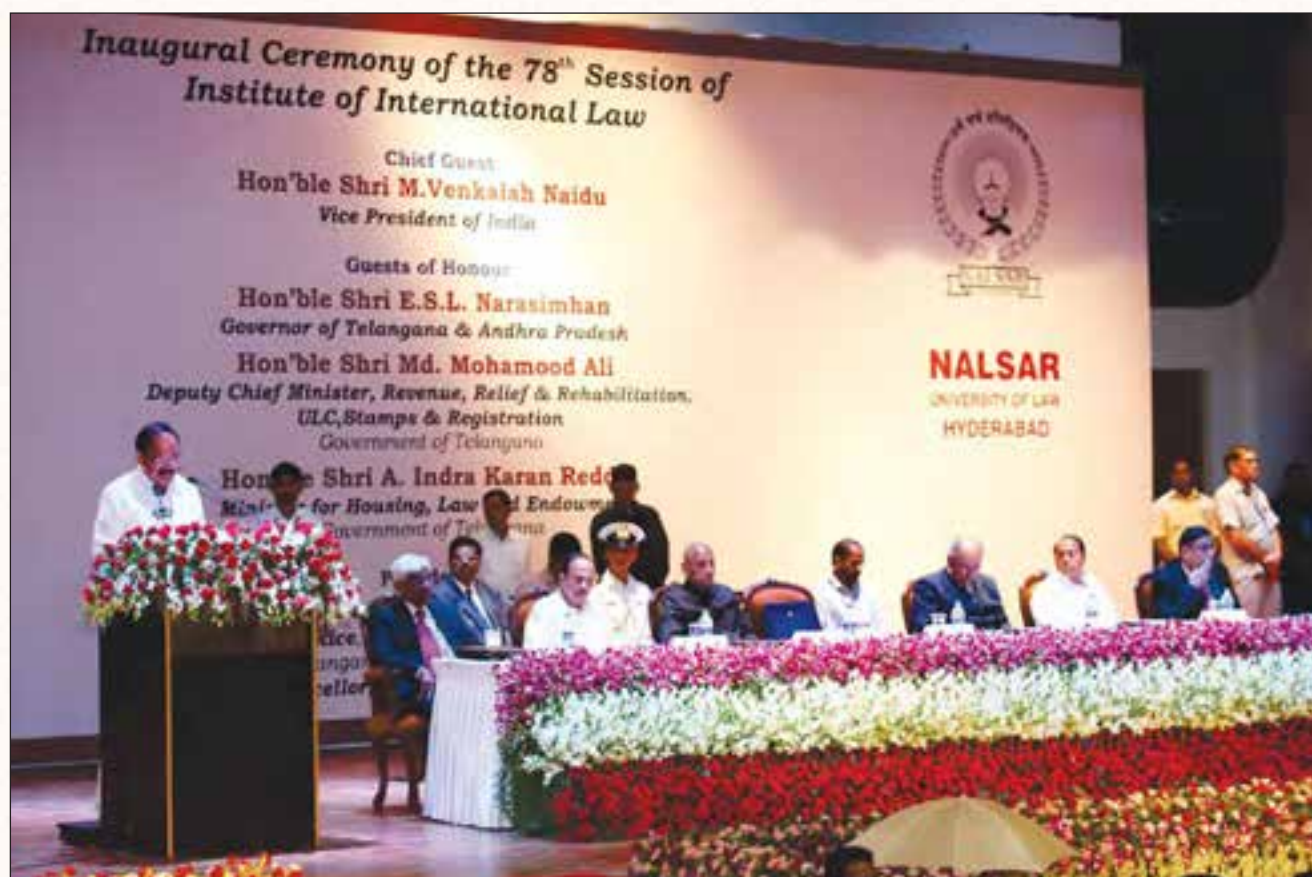
thing it is not a violation of human rights. This is dictation of human rights by one country. This is can be no longer be accepted, as human rights are universal. Its violations have to be clearly defined particularly when so much migration is going on in several parts of the world, due to disturbances, I think we need to protect human rights of the individuals in a very big way and that is something we need to ponder about.

The other important thing I would like to talk about is terrorism, I think what Constitutes terrorism needs an international definition. In some places terrorism is looked as civil strife, in other places it is looked as nationalist uprising. So it has various definitions, for example in the not too recent past the battle by Liberation Tigers of Tamil of Tamil Elam, in Sri Lanka was defined as a fight for their own identity. I think terrorism which is the scourge of the whole world requires a

now definition. Hence, we, the legal luminaries need to redfine terrorism. I think we need to take a holistic view and international understanding of what constitutes terrorism. That is why I say justice means holding the scales even but we have to remove the blind fold and I think we need to keep our eyes open, the world had become a big global village and we have the same problems in all countries. Today, it may happen in India and tomorrow it may happen in West or East. I think no one is in isolation from this process of violation of human rights or terrorism and I think it is time we sit together and formulate a common understanding and think how we all get justice for all. I wish this deliberation a grand success and I am sure you will enjoy hospitality and the good weather of Hyderabad I wish you fruitful deliberations.

Thank you very much.





Governor, Shri E S L Narasimhan, Acting Chief Justice of High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, Justice Ramesh Ranganathan, Minister for Law, A. Indrakaran Reddy, Vice-Chancellor Prof. (Dr.) Faizan Mustafa, Dr. P. S. Rao, President of International Institute of Law, Distinguished jurists in international law, students and ladies and gentlemen, I am indeed extremely delighted to inaugurate the 78th Session of the prestigious International Institute of Law (Institut De Droit International) being held for the first time in India.

I am doubly happy that NALSAR University of Law, a premier institution from Hyderabad is hosting the weeklong event where important

issues relating to the progress of international law will be debated and resolutions adopted.

The *Institut De Droit International* has come a long way since its founding in 1873 in the Ghent Town Hall in Belgium by 11 international lawyers. Within 31 years of its establishment, it was awarded the Nobel Peace Prize in 1904 in recognition of its efforts to promote settlement of disputes among States through peaceful means. It was praised for promoting international arbitration and for persuading States to accept the rules of law in wartime.

This unique non-governmental organization of lawyers with its slogan of 'Justitia et pax'—Justice and peace—is also credited with playing a key role for the adoption of provisions



on arbitration at the Hague Congress in 1899 and from time to time its recommendations on various matters were considered by world bodies like the League of Nations and the United Nations.

Its views and voice received recognition and respect by countries across the globe on a wide range of issues from international private law to extradition matters.

The institute, I believe, confers membership to 132 highly distinguished jurists in international law from different countries. Apparently, the chosen ones are expected to be free from any governmental or political influence.

Given the independent nature of the Institute of International Law, the deliberations and resolutions carry a stamp of objectivity and will definitely help in promoting the cause of justice and peace in the world.

I am sure that holding of this important session in India will not only create greater awareness on the importance of international law but will also

inspire young lawyers and students to specialize in this subject.

The concept of the rule of law has been practiced in India from times immemorial. The Sanskrit word Dharma broadly deals with righteousness, duty and law. It is derived from the root word denoting uphold, sustain, nourish and support.

In fact, the two great epics Ramayana and Mahabharatha epitomize how Dharma, embodied through righteousness and justice, forms the basis for triumph of good over evil and for protecting mankind.

“*Dharmo Rakshati Rakshitah*”, the Sanskrit sloka in Manu Smriti aptly sums the basic Indian philosophy— the law will protect and defend those who protect and defend it. From the vedic periods and through the times of various kingdoms, some kind of a legal system has always been in place in the sub-continent—right from the days of Kautilya (around 2nd century B.C.) whose Arthashastra encapsulates the essential principles of governance and





administration of law and justice, while the Britishers introduced rules of administration and justice in 1772 in Bengal.

India believes in the philosophy of '*Vasudhaiva Kutumbakam*' meaning the 'World is one family' and has always respected international treaties and statutes.

India attaches huge importance to the implementation of international statutes and the rule of law and is a firm believer in promotion of peace and justice globally. It should be noted that India was among the countries which played a key role in the development of some of the important global conventions and also those formulated by the United Nations like the Law of Sea Convention. India has also made a significant contribution to the formation of the Asian-African Legal Consultative Organization to promote international law.

Needless to add, India is a signatory to many important international treaties/ protocols/ agreements. They include Convention on Biological Weapons, Convention on Chemical Weapons, Chicago Convention on International Aviation, Convention on Rights of Child,

International Convention on Doping in Sport, Genocide Convention, The Statute of Hague Conference on Private International Law, Kyoto Protocol, Montreal Protocol, Nuclear Terrorism Convention and International Convention on Elimination of all Forms of Racial Discrimination.

I would like to once again reiterate that as a major stakeholder in the promotion of global peace, India firmly believes in peaceful settlement of disputes through negotiations on the basis of international laws and the UN Charter.

At this juncture, I would like to briefly recollect the invaluable contribution made by some of the Indian and Asian international law scholars to sustain and develop a world order based on commonly shared values and interests.

History is witness to the existence of flourishing kingdoms and glorious civilizations in the sub-continent and Asia in the pre-colonial age. Extensive inter-State relations in trade and commerce existed between them. The conclusion of treaties and other aspects were well-recorded and studied by Asian and Indian scholars like the President of the International Court of Justice,



Judge Nagendra Singh, whose seminal work “India and International Law” of 1969 is well-known.

Professor Alexandrowicz M.K. Nawaz and Nilakanta Sastry, also looked into the application of principles of international law in Asia and India prior to advent of colonialism.

The Latin phrase *Pacta Sunt Servanda* meaning “agreements must be kept” forms the basic premise or principle of international law or covenants and apparently indicates that non-fulfillment will be tantamount to breach or violation of the pact. In other words, it highlights the importance of settlement of disputes through peaceful means.

Indian scholars, who made noteworthy contributions to the practice and doctrine of international law, include Judge Benegal Rao, the first Indian Member of the UN International Law Commission (ILC) and later the first Indian judge of the International Court of Justice (ICJ) and Judge Radha Binod Pal (famous for his Tokyo dissent and a Member of the ILC), and Judge P.S.Rao (ad hoc judge of the ICJ, Arbitrator, Chairman of the ILC, Legal Adviser of India and now the President of Institute since 2015).

The other well-known experts in this domain include Professors B.S. Murty, T.S. Rao, R.P. Anand, Upendra Baxi and Rahmatullah Khan. I would also like to recall the contribution of Dr. Krishna Rao, who played a prominent role in setting up a more structured legal advisory service for India on all international law matters. He was instrumental for the conclusion of the Indus Water Treaty of 1959, settling the Rann of Kutch boundary and in resolving many other critical issues that arose between India and its neighbours in the post-partition period.

As mentioned earlier, India also played an active

role in the UN and in the codification and progressive development of international law during 60s. We owe a debt of gratitude to Dr. Krishna Rao and other leading international law stalwarts from Asia, Africa and the Latin America who forged a united front in promoting foundational principles of international law relating to colonialism and apartheid as crimes, prohibition of the use of force, the principle of permanent sovereignty of States over their natural resources, the principles governing the Friendly Relations between States and reservation of outer space exclusively for peaceful purposes, among others.

Dr.S.P.Jagota who succeeded Dr. Krishna Rao as India's legal adviser on international law played a leading role along with other representatives from the third world in creating a new constitutional order for the use of ocean resources and for settling the outer limits of the various maritime zones. The emergence of the concept of the exclusive economic zone, the establishment of an International Seabed Authority and an International Tribunal for the Law of the Sea side by side of the International Court of Justice to manage the concept of common heritage of mankind are innovative legal regimes conceived for the benefit of mankind with special consideration to the interests of developing and least developed countries.

India in later years and particularly after the September 11, 2001 attacks put considerable effort in fighting international terrorism. Several Conventions resulted from the efforts exerted under the auspices of the United Nations. Mention may be made in this connection of the SAARC convention on the suppression of international terrorism as well as the Indian proposal to conclude a comprehensive convention on suppression of international

terrorism now under consideration of the UN. India is keen to see the conclusion of this important convention in the near future without further delay in view of the growing incidents of international terrorism, which are threatening world peace.

India today is the one of the largest economies and has a young and educated work force. It represents a mature Parliamentary democracy with a highly independent judiciary and fourth estate.

India's foreign policy is based on sovereign equality of States, non-intervention in the internal affairs of other States and peaceful settlement of disputes in accordance with principles articulated in Article 33 of the United Nations. India attaches high importance to bilateral negotiations in settling its differences and disputes with other nations on the basis of international law, justice and equity. It subscribes

to the compulsory jurisdiction of the International Court of Justice and values settlement of disputes by arbitration as appropriate. It appeared before the ICJ six times, twice as an applicant and as a party to arbitrations on other occasions.

India values the contribution the *Institute De Droit International* has made and is making. I understand that some of the important issues on the agenda of the Hyderabad session relate to judicial review of the decisions of the UN Security Council, the legal issues concerning international migration, provisional measures in connection with private international law and international investment disputes. We look forward to your resolutions as an important contribution to lasting world peace.

I wish all the success in your endeavors and a pleasant stay in this beautiful city of Hyderabad. Jai Hind!





*Vote of Thanks by Dr. V. Balakista Reddy,  
Registrar and Coordinator, 78<sup>th</sup> Session of Institute of International Law*



It is a matter of great honour and privilege for me to be called upon to propose the Vote of Thanks on this momentous occasion of the Opening Ceremony of the 78th Session of Institute of International Law.

We are extremely grateful to Hon'ble Vice-President of India, Shri M. Venkaiah Naidu Garu, who despite his tight schedule, agreed to inaugurate the 78th Session of IDI at NALSAR.

Sir, your inspiring and enlightening address of this evening highlighting India's contribution in the development of International Law from ancient time to the present day, has set the right backdrop for the 78th IDI Session at Hyderabad, India.

May I also thank the Hon'ble Governor of Telangana and Andhra Pradesh Shri E.S.L. Narasimhan Garu for sharing his insight on several contemporary issues of International Law.

I would also like to express my deep gratitude to Hon'ble Shri Justice Ramesh Ranganathan Garu, Acting Chief Justice of Telangana and AP and Chancellor, NALSAR University of Law for highlighting the role of Indian Judiciary in promoting and reflecting principles of International Law in the domestic context.

We owe a debt of gratitude to the Chief Minister of Telangana, Hon'ble Shri K. Chandrasekhar Rao Garu, Hon'ble Deputy Chief Minister, Shri Mohamood Ali Garu, Hon'ble Minister for Housing, Law and Endowment, Shri A. Indra Karan Reddy Garu, for generous financial help extended by Government of Telangana, without which this event would not have been possible.

We also thank Dr. P.S. Rao Garu, President, IDI; Prof. Marcelo Cohen, the Secretary General; all the distinguished delegates and other staff members, who have travelled from far and wide to ensure the success of this session.

I would also like to thank our Vice-Chancellor, faculty members, students, administrative staff, ladies and gentlemen, members of print and electronic media for making this session the most memorable one with your august presence.

Thank you.

**Conclusion of the Inauguration Ceremony**

The Inauguration ceremony was concluded and followed by a customary Dinner Reception at NALSAR.



# **CHAPTER - 13**

## **SESSIONS AT NALSAR**

The formal plenary sessions of the 78<sup>th</sup> Session of the Institute began on September 4<sup>th</sup>, 2017 at the M.K. Nambyar SAARC Law Centre, Video

Conference Hall. The following thematic areas were discussed and resolutions were adopted during the 6-day discussion period.


## Provisional Measures

Provisional and protective measures are necessary and available in public international law, private law, public law, and arbitration. A common thread is the preservation of the status quo pending final determination of the issues between the parties. In civil and commercial matters the function may include ensuring effective relief by securing assets from which a final judgment may be satisfied.

The Third Commission was established at the 2009 session in Naples, and held meetings at the successive sessions in 2011 (Rhodes), 2013 (Tokyo) and 2015 (Tallinn). The Rapporteur

circulated a lengthy paper on the subject on July 15, 2015, and a preliminary report on April 16, 2016. This final report contains all of the substantive material in those documents and is intended to supersede them. This report also endeavours to take account of the many helpful suggestions made by members of the Commission, which are reproduced in the travaux.

The purpose of this report is to highlight some of the principal issues which arise in this fast-developing area, with a view to the restatement of general principles. One of the principal questions



**SESSION DE HYDERABAD – 2017**

FINAL  
3<sup>rd</sup> Commission  
8 September 2017

**THIRD COMMISSION**

**Provisional measures**

**Rapporteur : Lord Collins of Mafesbury**

**FINAL RESOLUTION**

*The Institute of International Law,*

*Considering* that a broad comparison of the law and practice of international national courts and tribunals indicates that the availability of provisional and protective measures ("provisional measures") is a consistent element of that law and practice,

*Considering* that the law and practice of national courts are sufficiently uniform so as to give rise to general principles of law within the meaning of Article 38, paragraph (1), letter (c), of the Statute of the International Court of Justice,

*Considering* that the adoption of principles relating to the grant of provisional measures would contribute to the development of international law and national law,

*Adopts* the following guiding principles:

1. It is a general principle of law that international national courts and tribunals may grant interim relief to maintain *status quo* pending determination of disputes or to preserve the ability to grant final effective relief.<sup>1</sup>

<sup>1</sup> There may be independent purposes of provisional measures that are expressly provided for in relevant instruments, such as the prevention of serious harm to the marine environment under Article 290, paragraph (1), of the United Nations Convention on the Law of the Sea or the prevention of damage to fish stocks under Article 31, paragraph (2), of the Agreement on Implementation of the Law of the Sea Convention with respect to straddling and highly migratory fish stocks, adopted on 4 August 1995.

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3<sup>rd</sup> Commission  
8 September 2017

2. Provisional measures are available if the applicant for such measures can show that: (a) there is a *prima facie* case on the merits; (b) there is a real risk that irreparable injury will be caused to the rights in dispute before final judgment; (c) the risk of injury to the applicant outweighs the risk of injury to the respondent; and (d) the measures are proportionate to the risks.

3. In cases of special urgency an order may be made without hearing the respondent (*ex parte*), but the respondent is entitled to be notified promptly and to object to the order.

4. International courts and tribunals may make orders ~~preventing~~ the aggravation of the dispute.

5. In national legal systems an applicant for provisional measures is in principle liable to compensate the party against whom the measures are ordered if the court thereafter determines that the relief should not have been granted. In appropriate circumstances, the court may order an undertaking or bond or other security to secure the respondent's right to compensation if it is ultimately decided that the order should not have been made.

6. An order for provisional measures made by an international national court or tribunal is binding. It is subject to modification or discharge by the court or tribunal which made it.

7. An international or national court or tribunal may make such orders if it has *prima facie* jurisdiction over the merits.

8. A national court may make orders for provisional measures in relation to assets or acts within its territory even if a court in another country has jurisdiction over the matter. Such provisional measures may be ordered provided that they do not infringe upon the exclusive jurisdiction of foreign courts.

9. Where provisional measures are ordered by a national court with jurisdiction over the merits and the party to whom the order is addressed has been given notice of the order prior to enforcement, courts of other States should recognize such order and where possible lend their cooperation to enforce it.

10. In commercial arbitration proceedings, an application may be made to the courts of the State of the seat of the tribunal or the court of any other State in support of the effectiveness of provisional measures ordered in such proceedings.

11. These guiding principles are subject to particular provisions contained in the constituent instruments of international courts and tribunals, or in national law, as the case may be.

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for consideration by the Institute will be whether a restatement of general principles will require consideration not only of public and private international law, but also (to the extent that it is not covered by the previously mentioned topics) international commercial arbitration, and also municipal law without foreign elements.

In the month in which this report was finalised, the International Court of Justice indicated provisional measures in Immunities and Criminal Proceedings (Equatorial Guinea v France), December 7, 2016, under which France was to take all measures at its disposal to ensure that the premises in Paris, which Equatorial

Guinea claimed (which France denied) to house the diplomatic mission of Equatorial Guinea, should enjoy treatment in order to ensure their inviolability. The Court decided that it had prima facie jurisdiction; that Equatorial Guinea had a plausible right to ensure that the premises were accorded the protections granted by the Vienna Convention on Diplomatic Relations of 1961; that the measures sought were aimed at protecting the right to inviolability; that there was a real risk of irreparable prejudice to the right; but that it was not necessary to indicate additional measures aimed at ensuring the non-aggravation of the dispute.

## Judicial Review of Security Council Decisions

It is telling, though, that Security Council resolution S/RES 2178 (2014) on combatting terrorism emphasizes the obligations of Member States to respect obligations under international law and in particular human rights law as well as respect for the rule of law rather than its own, the Security Council's, obligations. The resolution states in its seventh preambular paragraph amongst other things:

*“Reaffirming that Member States must ensure that any measure taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law, underscoring that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures ... and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism.”*

On the basis of the Declaration of the High-Level

Meeting as well as of Security Council Resolution S/RES 2178 it is safe to state that respect for international law, in particular respect for international human rights law as well as for the rule of law have to play a role concerning initiating, deciding on and implementing targeted sanctions.

It is to be noted in this context that no full consensus exists concerning the scope and content of the notion of the rule of law. This Report will, in principle, follow the description of the UN Secretary General in his report of 2004 on the content of the notion of the rule of law<sup>5</sup> although such description addresses only States and their national order. It reads:

*[A] principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well,*

*measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty avoidance of arbitrariness and procedural and legal transparency.*

The most relevant aspects of the notion of the rule of law in respect of the issues dealt with in this Report are the accountability to law, fairness in its application, procedural transparency and respect for human rights. Addressees are, as will be demonstrated later, States involved in initiating and implementing the Security Council decisions on which the Report is focusing as well as the Security Council itself. The Report will concentrate on the judicial review of targeted sanctions and in particular on the system established through S/RES 1267/1989/2253 which has to be seen in the context of the system of sanctions under Chapter VII of the UN Charter as a whole.<sup>8</sup> But there are also other situations where Security Council decisions are of such a nature that a judicial review is being sought in practice. These are acts pertaining to peace keeping operations and the administration of territories under the auspices of the United Nations.

Another area of interest in this context will be the Security Council decisions under *article 13 lit. b* ICC Statute. It is safe to state already in this introductory part that the Security Council in performing its functions has to act within the constraints of the UN Charter and is bound to observe human rights norms and due process norms many of which have been introduced into international law under the auspices of the United Nations itself. It is to be noted that theme asures against individuals or entities taken in the context

of targeted sanctions systems (including the implementation of targeted sanctions) have been criticised for violating internationally protected human rights such as the right to property, right to free movement and the right to privacy. Further, it has been argued that this system of targeted sanctions is violating the right to a fair trial since the designated individuals or entities have no sufficient means to challenge the facts or assumptions on which their designation as being associated with terrorism was based.

The targeted sanctions system<sup>1267/1989/2253</sup>12 has developed in nature and scope into a global counter-terrorism mechanism in substance focussing on the financing of international terrorism. In its current form this system requires all States to impose a range of measures, including, in particular, asset freezing but also international travel bans and arms embargos. Such measures are imposed on individuals and entities which have been designated by a procedure managed by subsidiary bodies of the Security Council (sanctions committees). These systems referred to in this Report as targeted sanctions differ in their scope and application.

Sometimes the names of the individuals, groups and entities targeted are set out in the decision of the Security Council; sometimes the Member States are called upon to identify individuals or groups to be included into a list administered by a sanctions committee. As far as lists<sup>14</sup> of targeted persons and entities are concerned, a procedure has been established for updating those lists, which means adding and deleting individuals as well as groups and entities to and from such lists.

The fact that targeted sanctions have a direct or indirect bearing on the legal position of individuals as well as entities and thus may directly infringe upon their human rights<sup>15</sup>

means that the Security Council maybe considered to exercise public authority directly vis-à-vis individuals or groups. When sanctions under Chapter VII of the UN Charter are imposed on States, the rights of individuals or groups of individuals of such a State are not directly affected, even though the indirect effect of such sanctions on the population of the targeted States has been criticized by human rights bodies.

Basically it is argued that the principle of the rule of law requires that the exercise of such authority by whosoever exercised must be open to some form of judicial or other review. The Declaration of the High-level meeting of the General Assembly referred to above supports this approach. A further element fuelling the demand for judicial control is the claim that the exercise of public authority, on the national and also on the international level, is limited by human rights. Their protection requires a judicial control of the measures in question.

As indicated already, targeted sanctions are not the only measures which may interfere with the exercise of human rights and fundamental freedoms. In practice, individuals have been claiming damages arising from acts or omissions by subsidiary bodies of the Security Council in the exercise of their functions, such as the international administration of territories or in peace keeping missions, in which those acting in official capacity allegedly infringed upon the individual's human rights. The legal issues which arise are similar but not identical with the ones connected with targeted sanctions.

In practice some form of judicial review has been exercised in connection with targeted sanctions of the Security Council sanctions committees, in the context of the international administration of territories or in connection with peace keeping

missions. Cases against targeted sanctions have either been initiated by individuals, by groups, or by entities and were directed against the implementation of such sanctions. In doing so all applicants invoked either an error in facts, questioned the listing procedure for violating due process and/or claimed violations of human rights. In cases where individuals brought action against acts or omissions of subsidiary bodies of the Security Council the applicants mostly claimed the violation of human rights.

Most of the “judicial review” of Security Council decisions exercised until now has been of an indirect nature – considering the implementation rather than the decision itself – and undertaken by national courts, the European Court of Justice, regional human rights courts and international criminal courts. This may have something to do that targeted individuals were resorting there. As will be demonstrated, this report occasionally also includes an interpretation or even an assessment of the Security Council decision which is being implemented, although some national or regional courts avoid addressing the Security Council decision in question. Such interpretation and assessment of implementing measures unavoidably sheds some light on the interpretation of a Security Council decision.


The Report will start by taking stock of and analyse any form of judicial review of Security Council decisions and their implementation which has been exercised so far by international, national and regional courts. It will be established that this 'judicial review' lacked coherency at the outset although it is by now consolidating. The Report will further contemplate whether any form of judicial review of Security Council decisions – be it directly or indirectly – is appropriate. In doing so, the report will have to weigh several aspects namely that the Security



Council and its functions were designed by the drafters having in mind the failure of Article 16 of the Covenant of the League of Nations. It will have to be taken into account that the Security Council is designed as a political body having discretionary powers. Furthermore, account also will have to be taken of the fact that the powers and functions of the Security Council are based upon the UN Charter that they have developed over time and that the drafters of the UN Charter did not anticipate that the Security Council would direct its sanctions against individuals or private entities rather than States. Further it will have to be taken into consideration that it is necessary to balance the need for an effective functioning of the Security Council against the relevance of the rule of law and human rights in respect of the exercise of public authority in implementing the

Security Council decisions. Finally the Report must necessarily assess to what extent the Security Council has established an adequate procedure to scrutinise its decisions on targeted sanctions. The practice of the Security Council in this respect has developed significantly. It is to be considered whether this practice renders judicial control unnecessary or limits its scope.

The Report will proceed in several steps. At the outset, it is necessary to establish which “decisions” of the Security Council should be the focus of this report. The term “decision” embraces actions of the Security Council of a varying nature as far as content, addressees and their context is concerned. Furthermore, it will be necessary to establish what is meant by judicial review.



**SESSION DE HYDERABAD – 2017**

FINAL  
12<sup>th</sup> Commission  
9 September 2017

**TWELFTH COMMISSION**

**Judicial Review of Security Council Decisions**

**Rapporteur: M. Rüdiger Wolfrum**

**Review of Measures Implementing Decisions of the Security Council  
in the Field of Targeted Sanctions**

**FINAL RESOLUTION**

*The Institute of International Law,*

*Considering that according to Article 24, paragraph 2, of the Charter of the United Nations the Security Council shall “act in accordance with the Purposes and Principles of the United Nations” and that “the specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII”;*

*Considering the Declaration of the high-level meeting of the United Nations General Assembly on the rule of law at the national and international levels (A/RES/67/1<sup>9</sup> of 24 September 2012), paragraph 2 of which states that “the rule of law applies to all States equally, and to international organizations, including the United Nations and its principal organs, and that respect for and promotion of the rule of law and justice should guide all of their activities” and paragraph 29 of which emphasises that “we encourage the Security Council to continue to ensure that sanctions are carefully targeted, in support of clear objectives and designed carefully so as to minimize possible adverse consequences, and that fair and clear procedures are maintained and further developed”;*

*Recalling Security Council Resolution 2178(2014) which reaffirms that Member States must ensure that “any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law”;*

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*Bearing in mind that in general the rule of law includes a principle according to which all persons, institutions and entities, public and private, including the State itself, are accountable to the laws that are publicly promulgated, equally enforced and independently adjudicated;<sup>1</sup>*

*Noting that already at its Amsterdam Session (1957), the Institute adopted a Resolution entitled “Judicial Redress Against the Decisions of International Organs” (Annuaire, Vol. 47-1), emphasising that “every international organization has the duty to respect the law and to ensure that the law be respected by its agents and officials [and] that the same duty is incumbent on States as members of such organs or organizations”;*

*Guided by the objective that the Institute should promote the rule of law as a leading principle for States and international organisations, including the United Nations and its main organs,*

*Recognising that the realisation of the rule of law, including the protection of human rights, is itself dependent on the maintenance of international peace and security,*

*Noting also that in several cases, judgments of national as well as regional courts having declared that national or European Union measures implementing targeted sanctions against individuals or entities have violated human rights, including the right to a fair trial, of those who have been targeted,*

*Noting, finally, that in the adoption of measures implementing targeted sanctions care has to be taken of the protection of the fundamental rights and freedoms, those being internationally shared values, of the persons concerned,*

*Adopts the following guiding principles:*

**CHAPTER I**

**GENERAL PROVISIONS**

*Article 1*

**Use of terms**

For the purposes of this Resolution:

(a) “Review” means *anex post* examination of a decision or an act with a view to establishing whether this decision or act is in conformity with applicable law.

Review may take various forms. It may be judicial, administrative or internal, and may be direct or indirect.

<sup>1</sup> See the Annual Report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616<sup>16</sup>), paragraph 6.

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- (b) "Security Council decisions" means those pronouncements of the Council itself or of its subsidiary bodies, such as sanctions committees, which are binding upon Member States, non-Member States and other entities or individuals as the case may be, and which are to be implemented.
- (c) "Targeted sanctions" means those decisions adopted by the Security Council, sanctions committees, or any other subsidiary organ which oblige States to take such measures as provided for in the Security Council resolution concerned against individuals or private entities listed by the relevant sanctions committee.
- (d) "Implementation measures" means measures taken by States or regional organisations to implement the sanctions as prescribed by the relevant Security Council decisions.

*Article 2*  
**Scope**

This Resolution is concerned with the review of measures implementing decisions of the Security Council in the field of targeted sanctions taken by States or regional organisations.

*Article 3*  
**Legal framework for Security Council decisions**

1. The Security Council shall act in conformity with the Charter of the United Nations including provisions protecting human rights.
2. Considering that it is first and foremost for the Security Council to establish a procedure for listing and delisting which meets the standards of the Charter of the United Nations, including provisions protecting human rights, the Security Council should develop further procedures with a view to ensuring better protection of the rights of targeted individuals or entities.

*Article 4*  
**Review of Security Council decisions**

1. The Charter of the United Nations does not provide for review of decisions of the Security Council by national or regional courts.
2. However, measures implementing targeted sanctions may be reviewed by national or regional courts. In the course of such review, those courts may interpret Security Council decisions.

**CHAPTER II**  
**MEASURES IMPLEMENTING TARGETED SANCTIONS OF THE SECURITY COUNCIL**

*Article 5*  
**Decision of sanctions committees to list and delist**

1. Sanctions committees shall fully respect the Charter of the United Nations including the provisions protecting human rights.
2. The decision of a sanctions committee to list or not to delist an individual or a private entity may not be reviewed directly by regional or national courts.
3. The bar to reviewing decisions of a sanctions committee as referred to in paragraph 2 does not preclude a review of implementation measures taken by States or regional organisations with a view to implementing such decisions.

**CHAPTER III**  
**LISTING AND DELISTING**

*Article 6*  
**Improvement of listing and delisting procedures**

Improvements in listing or delisting procedure by the Security Council would be consistent with general principles of law and could, moreover, reduce the necessity felt by targeted individuals or entities to have recourse to national or regional courts.

*Article 7*  
**Ombudsperson procedure**

1. The procedure, in particular the Ombudsperson procedure, established for delisting constitutes a valuable procedural innovation which provides, as far as delisting is concerned, a possible remedy for petitioners. It is primarily designed as a mechanism to assist sanctions committees in their decisions on delisting rather than to review the original decision on listing.
2. This procedure applies only to certain sanctions regimes but not to others which likewise target individuals and private entities with similar possible consequences for the enjoyment of human rights.
3. Accordingly, it is recommended that the Ombudsperson procedure be applied to all such regimes, present and future, when providing for the prescription of targeted sanctions, and that its procedure be rendered more transparent.
4. It is further recommended that the Office of the Ombudsperson be established as an independent, properly resourced institution.

*Article 8*  
**Further improvement of listing and delisting procedures**

In accordance with Article 3, the Security Council should improve listing and delisting procedures. Such improvements may include for example:

- (a) strengthening of the internal review procedure by the Security Council;
- (b) establishment of a periodic review as to whether the conditions of the targeted sanctions on a particular individual or entity are still met;
- (c) leaving the implementing States or regional organisations some discretionary power concerning the implementation of the measures requested, by taking into consideration the circumstances of a particular case; and
- (d) improving the listing process involving the State of nationality and the State of residence in the process of a listing initiative by a third State.

**CHAPTER IV**  
**REVIEW**

*Article 9*  
**Identifying individuals or entities for listing and delisting**

1. Taking into account that the identification of individuals and entities for listing originates with the States taking such initiative, it will be noted that:
  - (a) such process possibly leading to a listing should be transparent for the targeted individual or entity;
  - (b) considering the possible human rights consequences of listing, such process shall respect international, regional and national human rights standards; and
  - (c) the individual or entity should be provided with an opportunity to have the national or regional decision on their listing judicially reviewed according to the relevant national legal system.
2. These principles shall guide the authorities of the designating State, of the State of nationality or of the State of residence, as the case may be, if they are considering initiating or supporting the delisting of the individual or entity concerned.
3. The national authorities as well as the entities engaged in this process of listing and delisting shall take into account the object and purpose of targeted sanctions.

*Article 10*  
**Implementing targeted sanctions**

1. In implementing targeted sanctions, States or regional organisations shall act in the fulfilment of their obligations under the Charter of the United Nations in respect of decisions of the Security Council.
2. This does not exclude that implementation measures undertaken by States or regional organisations may be reviewed as set forth in Article 4.

*Article 11*  
**Review by regional or national courts**

1. Any judicial review of measures implementing targeted sanctions shall take into account the object and purpose of such sanctions. In this context, particular attention shall be paid to Article 103 of the Charter of the United Nations.
2. Account should also be taken by any regional or national judicial review as to whether the petitioner has applied for delisting under the relevant delisting procedure. In particular, any recommendation of the Ombudsperson should be taken into consideration.
3. Review of measures implementing Security Council decisions shall be consistent with all relevant provisions of the Charter of the United Nations, including in particular Articles 24, 25 and 103.
4. In reviewing implementation measures and declaring them not to be in conformity with relevant human rights standards, the regional or national courts should take into account that their decision does not exempt the implementing State or regional organisation from its duty to meet its international obligations under the Charter of the United Nations. Such obligations remain valid.

## Mass Migration

At its meeting in Tallinn in 2015, the Institute has established a Commission on about "mass migration" and appointed Mr. Maurice Kamto Rapporteur. Immediately after its creation in 1873 until the First World War, the Institute has devoted major efforts in written reports and in discussions and made proposals on various aspects of the international movement of people, which could be part of what international migration today is called: *the right of expulsion of aliens, right of entry and residence of aliens, right to shelter, nationality, civil and private rights of foreigners*

Although the work in question have not known a conventional or institutional translation, the fact remains that they have had an important influence on the subsequent development of international law on the various aforementioned topics, such as shows, for example, the recent codification of the law of expulsion of foreigners by the International law Commission. At its meeting in Bath in 1950, the Institute had adopted a resolution on asylum that has not been without direct influence on the development of the Convention relating to the Status of Stateless Persons of 1954. It will see, the aspects of the issue addressed in this report, which were not understood as such by the previous work of the Institute and in light of subsequent developments, how to formulate relevant legal proposals and adapted in the light of the current state of international law and the new challenges of mass migration.

The migratory phenomenon is linked to human history. For centuries, people in ever increasing numbers over time and the events of history have sought a better future beyond borders and seas. Indeed, international migration appears with the structuring of land space in states with defined

boundaries, and where access depends on the decision of national governments. The "mass migration" is a phenomenon as old, with multiple related causes including natural disasters (drought, floods, earthquakes, climate change, etc.) or man (armed conflict ; dictatorial government: repression and systematic violations of human rights, ethnic rivalries and xenophobia) an employment policy inducing what is called the "Migration for Employment" or the attraction of migrants by economic opportunity and hope for a better life. For example, it is this perspective that drew massive immigration of people from Europe and Asia to the New World after the Industrial Revolution

Motivated by racial fears against what is called the "hordes of Asian migrants" legal barriers began to draw her and developed national practices favor the expulsion of foreigners if they were considered dangerous to the peace of the country. Like other historical examples of mass migration, it is necessary to mention the immigration of millions of European refugees after World War I and the Russian Revolution of 1917 and the Second World War.

In sum, we consider that international migration are due at all times, to three factors: the willingness of migrants to seek a better life elsewhere (push factors) their desire to escape from the constraints relating to the management and operation of the company such as war and the systematic violation of human rights ( pull factors) all being facilitated today by the means of transport and modern communications ( network factors). But if the migration is as old as the history of mankind it faces growing resistance from states in the context of globalization, facilitating the movement of goods and especially financial flows but contains walls

and other barriers to movement of all kinds of human persons.

Essentially ongoing mass migration in the world in recent years are directly related to armed conflicts in different regions of the planet: the Near and Middle East with the wars in Afghanistan and Iraq and the armed conflict in Syria, which was printed on-organized international terrorism with significant territorial base, as well as the armed conflict in Yemen; mainly in Africa with the political situation in Eritrea, armed conflict in Somalia that has a destabilizing effect on neighboring states, Sudan and South Sudan, the Democratic Republic of Congo, Central African Republic and Libya; in Europe mainly with the armed conflict in Georgia and Ukraine. Between the number of refugees generated by the only conflict in the Near and Middle East and the dead migrants at sea trying to escape the disaster, the figures give vertigo. Although there has "clearly highlighted the positive contribution of migrants to inclusive growth and sustainable development", even considering that "[t]his contribution to making our world better", it appears in the same time as the forced displacement and irregular migration flows to major often present complex challenges.

Generally, there is a legal vacuum at the global level in Concerning international regulation of economic migration mass. The Court must therefore, is to try to clear international rules governing mass migration, that of refugees like that of economic migrants, because it is, given the history and nature of international society, a recurrent phenomenon: mass migration is either a migration based on the hope of migrants to improve their economic and social situation in the State of destination, as was the case, for example, hundreds of thousands of German immigrants who migrated to the United States in the nineteenth century in the hope of a better life<sup>16</sup>; or migration of individual and collective survival in a crisis created by external factors to most victims. As long as events occur generators of such a phenomenon, it will happen again. 5 bis In order to determine its legal status in the international order, it is useful to spell some general considerations (II) that are prerequisites before examining successively the substantive issues clarification will contribute to the determination of the said legal rules, namely the rules applicable to mass migrants traveling (III); mass migrants and relationship with the state of destination or host (IV); and prospects of *lex ferenda* (V).







SESSION DE HYDERABAD – 2017

FINAL  
16<sup>th</sup> Commission  
9 September 2017

SIXTEENTH COMMISSION

Mass Migrations

Rapporteur : M. Maurice Kamto

FINAL RESOLUTION

The Institute of International Law,

Considering that international mass migration is one of the most striking phenomena of the contemporary world which profoundly affects individuals, peoples and States,

Recognising that migrants generally make a positive contribution to inclusive economic and social progress and sustainable development, but that forced displacements and irregular migratory flows often raise complex problems,

Recalling the principles proclaimed by the Charter of the United Nations and various instruments for the protection of human rights, of international humanitarian law and of refugee law which recognise the inherent dignity of the human person and the equal and inalienable rights of all members of the human family,

Recognising the legitimate right of States to control their borders and to exercise their sovereignty over entry and residence on their territory,

Recognising also that the situation of mass migrants requires special attention on the part of States and the international community in accordance with elementary considerations of humanity,

Recalling in this regard, in particular, the principles relating to the protection of the human person set out in the instruments concerning the fate of refugees and migrant workers and members of their families,

Considering the importance of solidarity among States and of international cooperation among the various actors involved in managing mass flows of migrants,

Considering further the need to take account of the capacity of each State to cope with a situation of mass migration,

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Considering that, to the extent possible, States of origin must redress situations which generate mass migration,

Convinced of the need and usefulness of drawing up basic rules and proposals of international law relating to mass migration,

Considering in this regard the previous works of the Institut on various aspects of internal displacement of persons, in particular its Resolutions of Geneva (1892), Copenhagen (1897) and Bath (1950),

Recognising the importance of the endeavours undertaken during the past decades in certain regions of the world to broaden the protection of vulnerable or defenceless persons so as to encompass all those affected by mass migration,

Considering also Resolution A/RES/71/1, adopted by the United Nations General Assembly on 19 September 2016, on the New York Declaration for Refugees and Migrants,

Convinced of the need to strengthen the treaty framework governing mass migration,

Adopts the following Resolution:

**PART ONE**  
**SUBJECT MATTER, SCOPE AND DEFINITIONS**

**Article 1**  
**Purpose**

The purpose of this Resolution is to recall and contribute to the development of rules applicable to international mass migration.

**Article 2**  
**Scope of the present Resolution**

This Resolution applies to migration and to mass migrants, whether they are entitled to refugee status or not, from the departure of the State of origin to entry into the host State.<sup>1</sup>

**Article 3**  
**Definitions**

For the purposes of the present draft Resolution, the following definitions shall apply:

- (a) "Mass migrants", persons who collectively, in large number, leave their country for refuge or settlement in another country.

<sup>1</sup> In the present Resolution, the term "State" also refers, depending on the circumstances, to regional organisations to which their member States have transferred competence over migration matters.

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- (b) "Transit State", the State through which migrants pass or intend to pass, with no intention of finding refuge or settlement there, to get to a State of destination or reception.

- (c) "State of destination", the State to which mass migrants intend to travel as final destination for their refugee claim or settlement, but of which they have not yet crossed the border.

- (d) "Host State", the State where mass migrants have effectively found refuge or where they are present.

- (e) "State of origin", the State of which the migrant is a national or in which that person has their habitual residence.

**PART TWO**  
**FREEDOM OF MOVEMENT OF MASS MIGRANTS**

**Article 4**  
**Right to leave a country**

Mass migrants have the right to leave any country, including their own, subject to restrictions imposed by law, necessary for national security, public order, public health or morals, or the rights and freedoms of others, and in accordance with the other rights recognised by the International Covenant on Civil and Political Rights.

**Article 5**  
**Right to return to one's own country**

Mass migrants may not be arbitrarily deprived of the right to return to their country. The State of origin shall accept the return of migrants who are its nationals, or who have the right of permanent residence in its territory at the time of their removal.

**PART THREE**  
**OBLIGATIONS OF STATES**

**Article 6**  
**Non-refoulement**

- Every State is bound by the obligation of non-refoulement. This obligation applies only to refugees, excluding economic mass migrants.
- However, the benefit of the principle of non-refoulement may not be invoked by a refugee if there are reasonable grounds for regarding that person as a danger to the security of the country in which that person is, or if, having been convicted by a final judgment of a particularly serious crime or offence, that person constitutes a danger to the community of that country.
- The principle of non-refoulement also applies to a vessel on the high seas.

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*Article 7*  
**Duty to provide assistance**

The transit State, the State of destination and the host State are duty-bound to assist mass migrants on the basis of elementary humanitarian considerations.

*Article 8*  
**Passage of mass migrants through the transit State**

Without prejudice to the provisions of Article 4, the transit State should ensure the passage of mass migrants through the transit State. It may ensure the organisation of their transit, where appropriate in cooperation with the United Nations High Commissioner for Refugees, relief organisations and the State of destination.

*Article 9*  
**Non-discrimination**

1. Mass migrants must be treated without discrimination, in accordance with international law.
2. Notwithstanding the provisions of paragraph 1, distinctions may be made between migrants on the basis of existing State legislation on entry and residence, provided that they pursue a legitimate and reasonable aim and are based on objective considerations.

*Article 10*  
**Conditions for removal of a refugee**

1. A refugee shall not be removed by the host State, unless that State has reasonable grounds for regarding that person as a danger to its security, or if that person has been convicted by a final judgment of a particularly serious crime or offence and constitutes a danger to the community of that State.
2. The removal of the refugee in question is merely an option at the discretion of the host State, which is free to choose other less stringent options.

*Article 11*  
**Prohibition of collective removal of migrants**

1. Collective removal of mass migrants is prohibited.
2. Collective removal means any measure by which the host State compels mass migrants as a group, not admitted to refugee status or asylum, to return to their country of origin or provenance, without an assessment of the particular situation of each of them.

**PART FOUR**  
**ASSISTANCE TO MASS MIGRANTS AT SEA**

*Article 12*  
**Duty to render assistance at sea**

1. States shall cooperate with each other to render assistance to mass migrants in danger or distress at sea.
2. Every State shall require ships flying its flag to render assistance to mass migrants in danger or distress at sea.
3. Every coastal State shall render assistance to mass migrants in danger or distress in maritime areas subject to its sovereignty.
4. States shall endeavour to render assistance to mass migrants in danger or distress in waters beyond their territorial seas.
5. This Article shall be applied in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea.
6. This Article is without prejudice to the provisions of Article 4.

**PART FIVE**  
**HUMAN RIGHTS OF MASS MIGRANTS**

*Article 13*  
**Respect for human dignity and the principle of humanity**

1. In managing the situation resulting from mass migration, States must respect and ensure respect for the human dignity of migrants. They must act in accordance with the principles of humanity, human rights law, refugee law and international humanitarian law.
2. To this end, the host State must determine the status of the migrants as expeditiously as possible. Pending determination of that status, the host State must provide access to education and training to mass migrants.

*Article 14*  
**Protection of life and prohibition of torture and inhuman or degrading treatment**

Mass migrants may not be returned to a State where they are at risk of being subjected to torture or inhumane and degrading treatments, or to a State in which their lives are threatened by reason of, *inter alia*, their race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status, or any other reason not permitted under international law.

*Article 15*  
**Special situation of women, children and other vulnerable persons**

1. In managing the situation resulting from mass migration, States must take into account the special situation of women, children and other vulnerable persons, in accordance with international law.
2. States that have not yet become Parties to the international conventions protecting these persons are encouraged to do so.

**PART SIX**  
**BURDEN-SHARING IN THE MANAGEMENT OF MASS MIGRATION**

*Article 16*  
**Sharing the burden of receiving mass migrants with "safe countries"**

1. In order to alleviate the burden of receiving mass migrants, a State may direct part of them to one or more "safe countries" which agree to accept them, in the framework of bilateral or multilateral arrangements.
2. In this respect, the concept of a "safe country" must be defined according to precise criteria agreed upon by States. The determination of a State as a "safe country" should be entrusted to an *ad hoc* international body which could be composed of representatives of main international bodies charged with matters of human rights, refugees, international migration and humanitarian affairs.

*Article 17*  
**Solidarity and common and shared responsibility**

1. The management of mass migration requires solidarity of all States, taking into account their geographical situation, capacities and resources.
2. In particular, it entails the responsibility of States and/or international organisations which are at the origin of, or involved in the situation that generates mass migration. The contribution of these States and/or organisations to the management of this situation must depend on the level of their involvement in its occurrence.

*Article 18*  
**Particular assistance to the host State**

In view of the special efforts of the host State in the management of mass migration, it is entitled to adequate assistance from the international community with regard to the burden it bears in the interest of mankind. Such assistance must take particular account of the situation in which a mass influx of migrants is likely to constitute a threat to the stability of the host State through the disorganisation of its social institutions and structures.

*Article 19*  
**Responsibility for internationally wrongful acts**

If the cause of mass migration is unlawful, the responsible State and/or international organisation are subject to the regime of international responsibility for internationally wrongful acts.

**PART SEVEN**  
**COOPERATION BETWEEN STATES AND WITH RELIEF AND REFUGEE ASSISTANCE BODIES**

*Article 20*  
**Coordination and cooperation**

In the management of the situation resulting from mass migration, States shall cooperate and coordinate their actions among themselves and with international organisations and competent non-governmental organisations.

*Article 21*  
**Readmission agreements**

States are encouraged to conclude agreements for the readmission of mass migrants who are not admitted to the host State in order to ensure an organised return of these mass migrants, respecting their human dignity and their rights.

**PART EIGHT**  
**STRENGTHENING THE CONVENTIONAL FRAMEWORK GOVERNING MASS MIGRATION**

*Article 22*  
**Conclusion of a legal framework instrument on mass migration**

States are encouraged to negotiate a basic legal instrument, of a universal character, governing direct cooperation between States of origin and host States of mass migration flows, including temporary migratory flows.

## History of the Institute

Even though works on the history of the Institute and its members have been undertaken, there is still a vast field of research unexplored. It is important that the memory of what has been the Institute, its members, its organs, its commissions will not be lost. The current technological means allow us to put this precious historical baggage at the disposal of the public. Also, the maintenance and the enhancement of the archives are in need of attention.

In order to deal with these demands, the Bureau approved a proposal of the Secretary-General to create a Commission on the history of the Institute. This Commission could be tasked with collecting and/or systematizing the information about the Institute and its members throughout its history, based on the documentation of the Institute itself as well as that existing beyond, for example, through the reports of the sessions and articles relating to the adopted resolutions by the Institute published in specialized journals. The drafting of a list of all past and present members with a brief note and a graphic table of the sessions of the Institute could also be significant.

The establishment of a brief historical note about the national groups could also be part of the mission of the Commission, for which it could contact the existing national groups or persons capable of working on the national groups that do not exist anymore. The Commission could also be charged with the organization of competitions for young researchers to analyze the impact of the resolutions of the Institute on international law or the work of the Institute in the various domains of international law. The Commission could furthermore focus on the preparation of a report for the 150th anniversary in the same line as has been done for the 100th anniversary celebrated during the Rome Session

## Human Rights and Private International Law

The notion of human rights and fundamental freedoms, which comes the philosophy of the Enlightenment, is a reservoir of extra-legal ideas. According to the philosophers of the time, these rights and freedoms are allotted to man by the fact of his birth and are linked inseparably to its existence and human dignity. However, over the past century, or more precisely from the Universal Declaration of Rights of the 1948, they were incorporated into positive law, which raises the question of whether they really are conferred by nature or rather by legislation. Today, it seems doubtful that all human rights called and all so-called fundamental freedoms, as guaranteed by texts of domestic or international positive law, can still be explained by natural attribution. Furthermore, the texts do not all provide the same protection; there are variations between national laws as among international instruments, come either from the actual wording of the provisions, or the reservations of fact made by the Contracting States.

It follows that there is no consensus today on a pre-positivist definition for distinguishing the human rights of the rights or principles of lesser value and binding. It follows that the definitions proposed by the doctrine of international law are essentially positivist kind. Some authors look at human rights as rights of individuals and groups that are recognized as such in the Treaties and declarations and by custom. In a perspective that, at first glance, appears non-positivist, others evoke freedoms, immunities and benefits that human beings can claim as "contemporary values accepted "; or the essential criterion for the definition - acceptance - returns again to the practice of States, which includes treaties and declarations.

Some definitions refer to vague notions or clauses General which shall be specified materialized or case by case. This is for example what happens when human rights are characterized as "all the rights and freedoms inherent in the dignity of the human person and that affect all human beings." The dignity of the human person is, in turn, a vague and changing concept, subject to varying interpretations in economic, social, historical and cultural. It is

difficult to reach a consensus without resorting to other more specific texts, which brings the definitions of those, more positivist, which were mentioned in the previous paragraph. The common point of reference is, anyway, the Universal Declaration of 1948, although its binding effect and hence its universal value, are doubtful. In this report, the notions of human rights and fundamental freedoms will be used interchangeably.

**Institute of International Law - Commission no. 4  
Human rights and private international law**

Working document of Rapporteur, Jürgen Basedow, no. 9 (January 2017)

Draft Resolution

The Institute of International Law,

*Recalling* the worldwide recognition of human rights in many global and regional instruments;

*Aware* of the evolving nature of human rights;

*Considering* that the effective reach of human rights, uniform in theory, depends on those mechanisms which seek to ensure that they are observed, which differ between the instruments mentioned above and among their Contracting States;

*Considering* that the Charter of the United Nations requires all States promote universal respect for, and observance of, human rights;

*Considering* that this obligation cannot be limited to the domestic sphere and must also extend to cross-border relations;

*Recalling* that cross-border relations are regulated, if not by international conventions or uniform law, by treaty-based, regional or national rules of jurisdiction and of conflict of laws;

*Convinced* that rules of jurisdiction and of conflict of laws are to be monitored to ensure their compatibility with human rights;

*Having regard to* the horizontal nature of the relations with which private international law is concerned and the vertical nature of the relations the focus of human rights;

*Adopts* this Resolution:

**I. General matters**

**Article 1: Definition**

- (1) For the purposes of this Resolution, all rights and freedoms protected by a United Nations Convention which relates to the Universal Declaration of Human Rights, as well as those protected by a regional convention are considered to be human rights.
- (2) A right protected by a provision of domestic law as a fundamental right, which takes priority in the legal system in question over and above other sources of law, may be considered as equivalent to a human right.

**Article 2: Principles**

- (1) States shall ensure that in cross-border relations between private persons human rights are respected by their governing bodies, including courts of general jurisdiction. These rights serve to control and correct, where necessary, the results produced by operation of rules of jurisdiction and of conflict of laws.
- (2) Restrictions on human rights can be justified if a Contracting State, relying on its margin of appreciation but without affecting the substance of the right in question, pursues a legitimate objective, all the while taking into account the principles of proportionality and the practical and effective protection of the right in issue.

**Article 3: Human rights holders**

For the purposes of this Resolution, natural persons and, where applicable, legal persons, whether profit-seeking or not for-profit, as well as groups of individuals, are considered to be holders of human rights.

**Article 4: Interpretation of instruments relating to human rights**

In interpreting instruments adopted for the protection of human rights by international bodies and by Contracting States, account shall be taken of the universal nature of human rights and the need to promote the uniform application of the common core of these instruments.

**Article 5: Interpretation of rules of jurisdiction and conflict of laws**

- (1) The interpretation of conventions relating to human rights and private international law conventions must conform to articles 31 to 33 of the Vienna Convention on the Law of Treaties, and must aim for harmony with one another. Among contracting parties to a private international law convention, conventions relating to human rights constitute relevant rules of international law within the meaning of article 31(3)(c) of the Vienna Convention and vice versa.

(2) The interpretation of a rule of jurisdiction or conflict of laws, whether national or adopted by a Regional Economic Integration Organisation, must aim to be in keeping with applicable human rights.

#### Article 6: Priority

If the interpretation of a rule of jurisdiction or conflict of laws in accordance with article 5 leads to an insurmountable conflict between that rule and a treaty-based provision relating to human rights, it falls to the forum's national law to determine which should prevail.

### II. Human rights and immunity from suit

#### Article 7: Immunity from suit

The right of access to a court necessitates a strict interpretation of immunity from suit in civil matters.

### III. Human rights and grounds of jurisdiction in international cases

#### Article 8: Heads of jurisdiction

- (1) Human rights, particularly the right of access to a court and the right to a fair hearing, do not require jurisdiction to be based on particular heads in international cases.
- (2) In establishing heads of jurisdiction in international cases, States must, absent a legitimate justification, respect the prohibition of any form of discrimination based on sex, religion or national origin.

#### Article 9: Forum necessitatis

If the application of the rules of jurisdiction or their exercise, among concerned States, leads to a denial of justice in a given case, the right of access to a court requires that a court in one of those jurisdictions must, as an exception, declare itself competent, if there is a sufficient connection with the State of the court seized.

#### Article 10 : Jurisdiction clauses

- (1) Any contractual clause that attributes exclusive jurisdiction to a court or an arbitral tribunal is incompatible with the right of access to a court if that attribution leads to a denial of justice.

- (2) Any contractual clause that allows only one of the parties, particularly by way of a unilateral option, to prevent the other party's access to the court is incompatible with the right to a fair hearing.

### IV. Human rights and international judicial cooperation

#### Article 11: Fair hearing

- (1) In applying national rules of civil procedure to cases with foreign elements, account must be taken of the particular needs of the two parties in light of these elements and must be adapted in a manner consistent with the requirement of a fair hearing.
- (2) In matters of international judicial cooperation, the requesting State and the requested State must respect the right of private parties to a fair hearing, especially by completing the request within a reasonable time.

### V. Human rights and conflict of laws

#### 1. General principles

#### Article 12: Connecting factors

Connecting factors used to determine the applicable law must respect the principle of non discrimination and, in particular, avoid any form of direct or indirect discrimination based on the sex of one of the parties.

#### Article 13: Party autonomy

In determining the applicable law, States should ensure that party autonomy is respected as long as it does not prejudice the interests of third parties or weak parties, or imperative norms.

#### Article 14: Imperative norms

- (1) In assessing the compatibility of the law designated by the applicable conflict of laws rules with rules of the *ordre public* and overriding mandatory laws (imperative norms), the court shall take into account human rights which form part of the forum's *ordre public international*.
- (2) In invoking the forum's imperative norms to reject the application of a foreign law, the court shall ensure that the forum's imperative norms are compatible with human rights; in particular, with the principle of non-discrimination.

### 2. Special rules

#### Article 15: Capacity

- (1) Every human has the capacity to acquire and hold rights and obligations; the modalities are determined by the applicable law.
- (2) Every entity, which has the capacity to acquire rights and owe obligations under the law of a State, must be entitled to appear before the competent courts of other States to enforce its rights and defend itself.

#### Article 16: An individual's name

- (1) An individual's name forms part of his or her personal identity which is protected by the right to respect for private life.
- (2) A change of name which has occurred by virtue of the applicable law, against the will of the name holder, violates the right to respect for private life if the change is not justified by objective reasons, such as the goal of uniformity in name within the family unit, implemented in a non-discriminatory manner.
- (3) The name of an individual registered with a State and fixed under the law applicable there must be recognised in another State without regard to its conflict of laws rules unless the name is manifestly incompatible with the public policy of that State.

#### Article 17: Marriage

- (1) A marriage agreed upon in the absence of the free and full consent of the two spouses is of no legal effect, unless the spouse who had been forced to marry later ratifies the marriage, acting freely and with full knowledge of its consequences.
- (2) In enforcing the forum's imperative norms which oppose the recognition of a marriage celebrated in a foreign country, the court shall take into account the right to marry and the right to respect for family life affected by non-recognition together with all of the circumstances of the case.

#### Article 18: Parentage

A parent-child relationship registered in a State in accordance with due process under the applicable law there must be recognised in another State without regard to its conflict of laws rules [alternatively: unless recognition would constitute a manifest violation of the forum's *ordre public international*].

#### Article 19: Adoption

An adoption completed in a State in accordance with due process under the applicable law there must be recognised in another State without regard to its

conflict of laws rules, provided that the adoption reflects social reality and is not the result of child-trafficking.

#### Article 20: International child abduction

Pursuant to the Hague Convention on the Civil Aspects of International Child Abduction, a State's obligation to secure the return of a child to his or her State of origin after he or she has been wrongfully removed must be interpreted in a manner in keeping with the parties' right to the respect for their family life, taking into account the primordial importance of the well-being of the child which necessitates a thorough examination of his or her situation.

### VI. Human rights and the recognition and enforcement of foreign judgments

#### Article 21: The right to recognition and enforcement

The right to a fair hearing applies to the recognition and enforcement of a foreign judgment when a court rules definitively on civil rights. This right must be respected, in particular, during the *exequatur* procedure.

#### Article 22: Conditions for recognition and enforcement

- (1) A regime which:
  - (a) refuses to recognise and enforce foreign judgments in the absence of obligations created by international instruments;
  - (b) requires proof of reciprocity as a condition for the recognition and enforcement of the foreign judgment; or
  - (c) allows for the substance of the foreign judgment to be fully reviewed at the point of recognition or enforcement;is incompatible with the parties' rights to a fair hearing in civil and commercial matters.
- (2) A foreign judgment cannot be recognised or enforced against a party's will if the proceedings in the foreign court violated that party's right to a fair hearing.



# **CHAPTER - 14**

## **ROUNDTABLE DISCUSSION ON CURRENT CHALLENGES TO INTERNATIONAL LAW**

International Law in the past few decades has witnessed path-breaking changes and undergone tremendous revolution. The global community of international law has substantially changed the composition and distribution of influence which mandates to strengthen its normative frame work with sufficiently broad and deep foundations that are effective enough to commend the allegiance of the community. For students and academicians of international law, it was extremely pertinent to understand the changing nature of international law and its ability to critically perceive and respond to the emerging issues in the subject domain like trade and information technology, international environment, defence and military operations, space and aviation norms, changing character of state territory and sovereignty.

The evolution of international law has reached a stage where we are witnessing diminishing power of the state and its capacity to deal with the economic matters challenging the existing

notions of territory and sovereignty. Recent trends in international law and international relations show that states no longer have exclusive control over the decision-making process at the global level. Keeping this in mind, there is a need to bring together the perspectives of various international and national scholars to discuss and analyze briefly, in their relative degrees of importance, some issues and changes that have affected and continue to affect international law and its progressive development.

Having due regards to the changing dynamics of international law, NALSAR organized a Roundtable Discussion on the '*Current Challenges to International Law*'. This Roundtable discussion highlighted some of the current issues, developments and debates in public international law. The Roundtable discussion saw the following Panel of Experts:

### **Dr. P.S Rao, President of Institute of International Law**



Dr. P.S Rao, President of Institute of International Law served as the Moderator for this discussion. Dr. P. S. Rao, is a distinguished Indian international lawyer who headed the Legal and

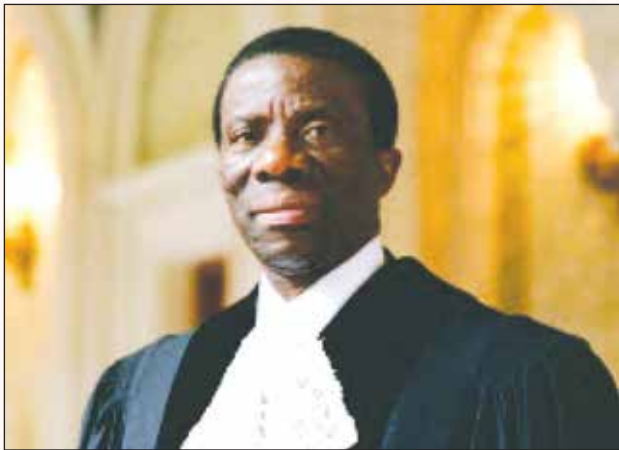
Treaties Division, Ministry of External Affairs, India; the chief legal advisor of India on international law matters from 1985 to 2002, and ad-hoc Judge of International Court of Justice in the case concerning sovereignty over Pedra Branca/Pulau Batu Pateh, Middle Rocks and South Ledge (Malaysia/Singapore) (2004–2008). Presently, he is a Special adviser in the office of the Attorney-General, State of Qatar and Visiting Professor at the Center for International law studies, Jawaharlal Nehru University, New Delhi.

Dr. Rao delivered the opening remarks and set the ball rolling for this discussion. He discussed the role of international law in the existing academics

framework and appreciated the efforts of NALSAR in organizing a Roundtable Discussion on International Law thereby indicating that the leading law schools of the country have decided to expose themselves to the current thinking of international law. He was of the opinion that the international community is facing numerous challenges which can be looked into from two fundamental perspectives i.e. Systematic

Challenges which showcases the mechanisms through which the international law develops and is executed and the Problem solving Challenges which showcases the means through which the international law is going to solve issues concerning maintenance of international peace and security. He then invited on dais the speakers for the said panel discussion and was moderating the discussion throughout.

### **Sir Abdul Gadire Koroma, Judge, International Court of Justice**



Sir Abdul Gadire Koroma is a Sierra Leonean jurist who served two terms as judge at the International Court of Justice (from 1994 to 2012). He is a very senior and leading international lawyer and arbitrator. He has served as the Chairman of the UN General Assembly 6th Committee (Legal); a member of the International Law Commission, which he has chaired; the Ambassador of Sierra Leone to the United Nations and to several countries; as well as on a broad range of other prominent international bodies and organisations. He is an honorary bencher of Lincoln's Inn.

Sir Koroma addressed the gathering on his personal assessment of the current challenges to

international law. He was of the opinion that international law in whatever form it takes or whatever period it covers, has always attempted to regulate the political and socio-economic affairs between states, and for that reason has always left itself open to challenges. Such challenges have been with respect to its universality, its validity, as to whether it's superior to other legal systems, its injustices, its meaning, its unfairness, lacking in evenhandedness and its unenforceability. As a matter of fact, he considers international law as being synonymous to the term 'challenges'. He cited numerous landmark cases like the recent incidents of gross human rights violation in the territories of Afghanistan, Libya, Iraq, Syria, Yemen, etc. wherein the occupation of foreign territories not only pose a challenge to the rule prohibiting the use of force but to the current international legal order itself. He regarded the inaction of international law as one of its biggest challenges thereby restraining international law from having the force of law in the global domain.

## Madame Judge Xue Hanqin, Judge, International Court of Justice



Mme Hanqin, is a Judge at the International Court of Justice and a Professor at the Wuhan University School of Law. She is also the Vice-President and Board Member at the Chinese Society of Private International Law; President, Asian Society of International Law and Member of the Curatorium of the Hague Academy of International Law. She has also represented China at the Hague Conference on Private International Law (1994) United Nations meeting on the protection of the safety of United Nations Personnel and Associated Personnel (1994), Framework Convention on Climate Change meeting, Berlin Mandate (1996), United Nations Convention against Transnational Organized Crime (1998-1999), etc.

Madame Xue Hanqin also presented her views on what she considers as challenges that the international legal domain is facing at present. To begin with, she highlighted that the very first challenge to international law is the development of the law itself. There exists a certain degree of

opaqueness as to what constitutes as international law and the means to identify the same. Development and recognition of a norm or a custom as international law generally depends upon the treaty making process which is a product of the political will. The question in such cases arises is that even if a treaty is concluded can it be regarded as a product of global consensus? Corollary to this is the challenge of treaty interpretation especially with regards to the judicial interpretation of treaties at an international courts or tribunals. Judicial interpretation that is adopted in the international courts and tribunals follow a different interpretative practice as compared to civil and common law legal system of treaty interpretation. This necessitates a review of the current practices of international law making especially for developing a consistent jurisprudence in treaty interpretation of international law. This law making process gets further complicated with the introduction of new stakeholders in the international legal domain and to develop a treaty law in close consultation with all these stakeholders. According to her, the final challenge to international law is particularly faced by colonial countries due to the impact of globalization.



**Prof. Dr. W. Micheal Reisman, Myres S. McDougal**  
**Professor of International Law, Yale Law School.**



He is a Fellow of the World Academy of Art and Science ; President of the Arbitration Tribunal of the Bank for International Settlements, and a member of the Board of The Foreign Policy Association. He was President of the Inter-American Commission on Human Rights of the Organization of American States, Vice-President and Honorary Vice-President of the American Society of International Law. He has served as counsel and presiding arbitrator in the OSPAR arbitration (Ireland v. UK) and arbitrator in the Eritrea/Ethiopia Boundary Dispute and in the Abyei (Sudan) Boundary Dispute.

Prof. Reisman discussed the challenges that international law faces due to perpetration of new technologies. While he agrees that now some of these technologies have become indispensable to the existence of the human mankind like the

internet, nevertheless he also maintains the opinion that such technology has posed numerous challenges to international law which it is unable to cope up with. Many at times, the usage of these technologies have a direct bearing on the Principles of Sovereignty and Non-intervention which is the most fundamental principle of international law. For instance cross-border transmission of information and data has become inevitable in the contemporary domain. However the normative framework at the international level is extremely nascent and is in effect unable to regulate or monitor the content of the information which is being so transmitted. To tackle a situation like this there needs to be a strong unity and understanding amongst nations to regulate aspects like these. However if we look at the treaty making process, ensuring a democratized yet a stringent legal framework at the international level is extremely difficult. This is so because the treaty making process is often governed by political will and other consideration rather than the need for which the treaty needs to be concluded. Hence he also opined that enforce ability of international law is a myth and that international politics is about influencing decision making within the states.

The Roundtable Discussion concluded with a Vote of Thanks delivered by Prof. Dr. V. Balakista Reddy, Professor of Law and Registrar, NALSAR.



# **CHAPTER - 15**

## **ROUNDTABLE DISCUSSION II ON INTERNATIONAL ARBITRATION: EMERGING ISSUES**

Amongst all the methods and mechanisms of dispute resolution especially in the domain of international dispute resolution, arbitration is considered to be one of the most preferable mode. Therefore it has become imperative for any international law professional to understand how the domain of arbitration works in general and be able to effectively engage in arbitration for the purposes of dispute resolution. Arbitration as a means of dispute resolution also assumes importance against the backdrop of the fact that it is one of the most credible methods of dispute resolution consequently making it suitable for an international commercial transaction. Therefore, the parties to such a transaction will best serve their interests by arriving at a clear understanding of dispute resolution.

International Arbitration is most commonly used to resolve increasing number of technology and intellectual property disputes. Many corporations, governments, and other business

entities engaged in the domain of international business transactions utilize particular expertise in drafting arbitration clauses. As conceptually resorting to arbitration is a consensual process, it is important for any prospective arbitrator or a professional who seeks to venture in international commercial arbitration to understand certain key factors that corporate decisions and choices when contemplating international arbitration namely choice of law which will govern the particular parties with reference to a particular transaction / contract, the seat of arbitration and the choice of the institution of arbitration, the method of appointment of arbitrators, the means to ensure confidentiality of proceedings, cost dispersions and possibility of delay, etc.

To engage with the students on this topic, NALSAR organized a Roundtable Discussion on International Arbitration: Emerging Issues comprising of the following panel of experts:

**Prof. Campbell McLachan**  
**Professor School of Law, Victoria, University of Wellington**



Prof. McLachlan is the President of the Australian and New Zealand Society of International Law, an Arbitrator for the International Centre for the Settlement of Investment Disputes, and a Member of the International Chamber of Commerce Court of Arbitration. He was appointed as a Queen's Counsel in 2007 and has won the J F Northey Prize in 2008. He was the first New Zealand-based academic to give a course of lectures at The Hague Academy of International Law on the topic '*Lis Pendens in International Litigation*'. His book (with Shore and Weiniger) *International Investment Arbitration:*



*Substantive Principles* was published by OUP in 2007, and is the first modern study of the law applicable in investment treaty arbitration.

Dr. McLachan in his address threw light upon the gap between theory and practice of international arbitration. He initiated the discussion by highlighting the chief reasons behind choosing arbitration as a preferred mode of international

dispute resolution. He thereupon threw light on the current pattern of key aspects of arbitration and the role of international arbitration institutions in this regard. Dr. McLachan was also kind enough to guide the students on career opportunities in the field of international arbitration and entertained numerous queries on the topic from the students.

**Prof. Boisson De Chazournes Laurence**  
**Professor of Law, University of Geneva**



Prof. Boisson De Chazournes Laurence, Professor of Law at the University of Geneva and Member of the Board of Directors of the Master in International Dispute Settlement - Graduate Institute of International Studies - Laurence Boisson de Chazournes is professor at the Faculty of Law of the University of Geneva since 1999 and a visiting professor at the University of Aix Marseille III, at the Universities of Paris I and Paris II and at the Institut de Hautes International Studies and Development. She has also served as a Senior Advisor to World Bank (1995-99) and has acted as an expert and adviser to governments, international organizations (UN,

WHO, ILO, World Bank, UNESCO, WTO),. She is a member of the Advisory Committee of the United Nations Human Rights Council. It has been a member of the High Level Panel on Water and Peace since November 2015. She is also a member of the Permanent Court of Arbitration (APC), the Sports Court and the list of experts of the WTO and has appeared as a Counsel for contentious cases and advisory procedures before the International Court of Justice.

While Dr. Laurence concurred with the deliberations initiated by Dr. McLachan, she nevertheless gave her opinion on the feminist approach to international arbitration. In particular, she began her discussion highlighting the common trend of addressing the arbitrator as 'he' i.e. a male person. She attributed this trend to the wide gender disparity in the domain of international arbitrators and encouraged our female students to engage in the profession of arbitration and end this gender disparity. She also advised the students on certain key aspects to practice while being engaged in international commercial arbitration.

**Dr. Stanimir A. Alexandrov**  
**Partner, Sidely Austin LLP Washington D.C.**



Stanimir A. Alexandrov is co-leader of the firm's International Arbitration group. Mr. Alexandrov focuses his practice in the areas of international dispute resolution, including investor-state arbitration and international commercial arbitration, and resolution of trade disputes before the World Trade Organization (WTO). He has represented private parties and governments in arbitration before the International Centre for Settlement of Investment Disputes (ICSID), as well as in ICC, UNCITRAL, and AAA international arbitrations, and serves frequently as an arbitrator. He is also a professor at the George Washington University Law School in Washington, D.C.

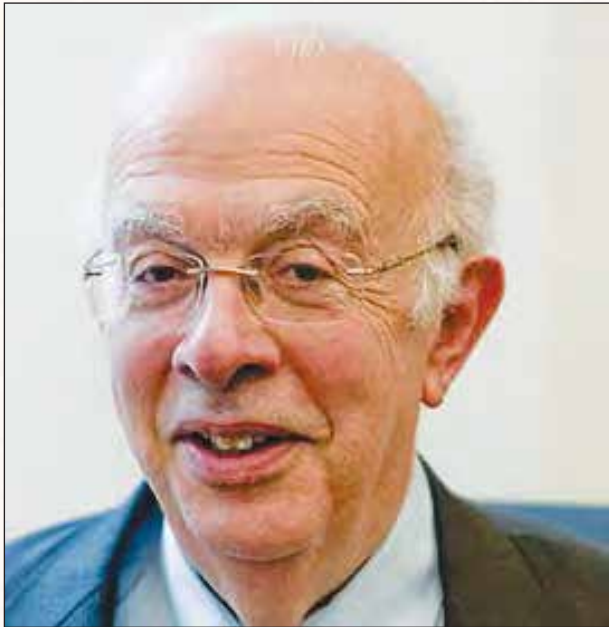
Being a partner with a leading LLP, Dr. Alexandrov threw light on the role of institutional arbitration in the domain of international commercial arbitration. In an institutional

arbitration, the arbitration agreement designates an arbitral institution to administer the arbitration. The parties then submit their disputes to the institution that intervenes and administers the arbitral process as provided by the rules of that institution. The institution does not arbitrate the dispute. It is the arbitral panel which arbitrates the dispute. He informed the gathering that All arbitral institutions do not provide the same services. Some institutions of high reputation simply offer a set of rules and guidelines, and no other arbitral services. One such illustration is the London Maritime Arbitrators Association (LMAA), etc. There are other institutions, which provide rules and a roster of qualified arbitrators but are not involved in the appointment of arbitrators; an example is the Society of Maritime Arbitrators in New York. He also guided the students on career opportunities in international institutional arbitration.

# **CHAPTER - 16**

**GUEST LECTURES BY  
MEMBERS OF THE INSTITUTE  
AT NALSAR**

## Interim Measures in International Litigation by Lord Lawrence Collins, Baron Collins of Mapesbury



Interim measures issued by a court is nothing but a declaration by the court instructing the parties appearing before it to either abstain from any or all the acts that may adversely affect the outcome of the case before the court or otherwise aggravate or extend the dispute. Such measures are binding for the intervening period of time until the dispute is resolved or otherwise concluded. This is provided under Article 41 of the Statute of the International Court of Justice wherein the court indicates what duties the parties are required to undertake and what actions are necessary if the parties conformed with the obligations involved by their submission to the Court.

In international litigation, timely application and enforcement of interim or provisional measures can substantially affect the final outcome of a case especially in matters relating to protection and preservation of assets or evidences that arise before or during the course of litigation proceedings before an international tribunal or Court. Many jurists and scholars are of the

opinion that if the parties do not execute the interim measures so issued by the international court or tribunal, then implementation of the final award may also become futile.

In this regards, Lord Lawrence Collins, Baron Collins of Mapesbury, Former Justice, Supreme Court of United Kingdom, was invited to deliver a talk on '*Interim Measures in International Litigation*' which is incidentally the subject matter of his report to the Institute. Lawrence Collins is a Professor of Law at University College of London. FBA, LL.D (Lord Collins of Mapesbury). He was a Justice of the Supreme Court of the United Kingdom from 2009 to 2011. He is also a non-permanent judge of the Hong Kong Court of Final Appeal. Before becoming a judge, Lord Collins was a partner in the London firm of solicitors, Herbert Smith, specializing in international litigation. He was appointed to the Court of Appeal in 2007 as Lord Justice Lawrence Collins, and to the House of Lords in April 2009 as Lord Collins of Mapesbury (the judicial functions of the House of Lords were transferred to the new UK Supreme Court in October 2009). He is author of many books & articles on private international law.

During his lecture, Lord Collins drew attention to some of the most important and topical problems presented by the use and abuse of provisional and protective measures in international litigation. He drew from a vast range of material including private and public international law, national and comparative law, European Community law and administrative law; the practice of national courts, and international and supranational courts and tribunals.



***Uti possidetis and Maritime Delimitations* by Prof. Marcelo Kohen,  
Professor, The Graduate Institute of International Studies, University of Geneva**



For the purposes of being recognized as a State, one of the most crucial aspect within the international political system is to determine its territorial boundaries. To be identified in spatial dimension and the territorial scope within which a governmental can exercise its authority is of utmost importance to a state and its identity. It provides the essential framework for the operation of an international order that is founded upon strict territorial division. Needless to say, it has direct bearing on the nationality of an individual residing and / or operating within the state and prescribes for the application of a stated legal order. Many of the fundamental norms of both classical and modern international law are predicated upon, and defend, such spatial division. The law relating to territory remains one of the highest importances for the international system. This concept assumes significance even in the contemporary realm irrespective of the fact that there now exist transnational institutions which have an inter-governmental operation.

Since demarcation of state's boundaries is of great significance and directly related to a state's existence and execution of operational power, it

has been witnessed that numerous concerns arise when the State's sovereignty is transferred from one entity to another. The international legal order is yet to provide a clear framework to necessitate the smooth transmission of the same. The existing internationally accepted principles only take into consideration the situation of decolonization and the consequent creation of new state. But what remains a major concern is that application of these rules beyond a colonial framework and the role *uti possidetis juris* has to play in this regard.

Prof. Marcelo G. Kohen, Professor of International Law at the Graduate Institute of International Studies, University of Geneva was requested to deliver a lecture on this pertinent topic of *uti possidetis juris* with specific reference to maritime delimitations. He has worked as legal counsel and advocate for a number of states before the International Court of Justice, the International Tribunal for the Law of the Sea and other tribunals. He also acts as an arbitrator. He is the author of many publications in the field of International Law, in English, French and Spanish. He is generally interested in research related to international law theory, territorial, maritime and border disputes as well as international dispute settlement. He was awarded the Paul Guggenheim Prize in 1997 for his book *Possession contestée et souveraineté territoriale* (Adverse Possession and Territorial Sovereignty).

During the lecture, Professor Kohen spoke about the principle of *uti possidetis juris* which was developed as an attempt to determine the territorial heritage of the newly constituted state during the independence and converting existing lines into internationally recognized

borders, and can thus be seen as a specific legal package, anchored in space and time, with crucial legitimating functions. He closely related to the principle of the stability of boundaries and drew upon and informed the gathering on a variety of

other principles of international law, ranging from consent and acquiescence to territorial integrity and the prohibition of the use of force against States.

**The Nature of Evidence admitted before the ICJ by Sir Kenneth Keith,  
Former Judge, International Court of Justice**



Admissibility of evidences before an international legal proceeding is of particular significance in the domain of international justice and rule of law. The method and mechanism in which an evidence is produced and the manner in which the arguments associated with the said evidences is presented act as building blocks in ensuring a just and well-reasoned judicial outcome in a dispute between sovereign States. Nevertheless the nature of the evidences that is sought to be produced before the international courts and tribunals has always generated judicial and academic discourse over the past few decades. In particular the evidentiary practices before the International Court of Justice has garnered special attention in

the domain of international law academia. Concerns regarding burden of proof, standard of proof or broader procedural questions has always been discussed, deliberated and practiced.

In the past few years, there has been a renewed interest in the Court's approach to evidentiary issues, as it is increasingly confronted with fact-intensive and science-heavy cases. Questions regarding admissibility and nature of evidences especially in the matter of State's Responsibility in the context of managing recent security threats have also led to certain scholarly proposals for a normative reform in the existing procedural framework.

Against this backdrop, Sir Kenneth Keith, Judge, International Court of Justice was requested to deliver a lecture on the topic of '*The Nature of Evidence admitted before the International Court of Justice*'. Sir Keith earlier has also served as a judge of the New Zealand Court of Appeal and Supreme Court (1996-2006) and a judge of appeal in Samoa, the Cook Islands, Niue and Fiji. He is a member of arbitration tribunals, served as a law commissioner in New Zealand and is a law faculty member at the Victoria University of Wellington. He is also a member of the legal offices of the United Nations and the New Zealand Ministry of Foreign Affairs. On the occasion of Queen's Birthday Honors in 1988,

Sir Keith was appointed as a Knight Commander of the Order of the British Empire "for services to law reform and legal education" and in the Queen's Birthday Honors 2007 Keith was appointed to the Order of New Zealand.

During the lecture, Sir Keith canvassed some key aspects of the evidentiary practice of the World Court, while placing some emphasis on recent developments on that front. He also provided the

gathering with an insight on the jurisprudential pronouncements by court on key evidentiary matters and also focused on its institutional culture and practice as regards the management and treatment of evidence. He traversed through the evidentiary framework which applies to the work of the Court and referred to requisite provisions and focused upon the procedure and nature of evidence admissible before the court.

**Women's Rights in the Inter-American System by Dr. Monica Pinto,  
Dean of the Law School and Professor of Buenos Aires Law School**



The advent of development of standards of rights especially human rights of women in the Inter-American system of Human Rights is a gradual process and has gained momentum in 1990s. The issue recently received special emphasis in the judgment of *González et al. v. Mexico* which is considered to be the first comprehensive ruling on the issue of rights of the women. The issue of the Rights of the Women in the Inter-American System has assumed importance against the backdrop of the

fact that countries across the world including the developed countries are marked by social inequality and varied forms of challenges in accessing justice consequently resulting in discrimination against women. Many international organizations have consistently recommended to the states that they take concrete steps to ensure implementation of their recommendations especially in the context of protecting and ensuring execution of the rights of women.

Dr. Monica Pinto, Dean, School of Law and Professor, Buenos Aires Law School was invited to speak on the topic of Women's Rights in the Inter-American System. She was also a visiting professor at Columbia Law School, *Université Panthéon-Assas Paris II*, *Université Panthéon-Sorbonne Paris I*, and *Université de Rouen*; in addition, she taught at The Hague Academy of International Law, the European and the Inter-American Institutes of Human Rights. She sits at the administrative tribunals of the World Bank and the Inter-American Development Bank. She has also appeared as legal counsel and/or expert before different human rights bodies, arbitral tribunals and the International Court of Justice.



During her lecture, Dr. Pinto offered a contemporary analysis of women's rights standards in the inter-American system of human rights by reviewing the legacy of key judgments of the Inter-American Court of Human Rights in four key areas: (1) violence

against women; (2) discrimination; (3) due diligence; and (4) access to justice. Her analysis was undertaken in the light of the precedent of the inter-American system related to human rights and the rights of women, and international legal developments.

**Dispute Resolution between States by Dr. Moragodage Christopher Walter Pinto,  
Attorney of the Supreme Court of Sri Lanka of the Inner Temple**



International courts and tribunals like Permanent Court of International Justice, International Court of Justice, International Centre of Settlement of Investment Disputes, Dispute Settlement Body of World Trade Organization, International Tribunal for the Law of the Sea and many others have been useful for providing a neutral and depoliticized platform for resolution of state to state or investor-state disputes which are ordinarily difficult to resolve by traditional diplomatic means. One of the main reasons for the limited success of diplomatic means for dispute resolution is the fact that these disputes involve complicated

legal issues, contested facts and interpretations which can only be done effectively by a judicial process. These tribunals become more important in handling disputes like treatment of diplomats and nationals of other states, and disputes involving diplomatic immunity and protections which are extended by states to their nationals and diplomats of other states. A third party dispute resolution mechanism in these kind of circumstances play a very useful role than a traditional means of dispute resolution.

The issue of these international third party dispute resolution bodies becomes more important if a critical assessment of their effectiveness and roles is done on their performance and need. Have they been effective, quick, less costly, final and binding? Are they complying to establish international norms and practices? Have they been able to fulfill the expectations that have been deposed on them? Have they been an example and precedent setting in international disputes, is there an effective mechanism for its recognition and enforcement?

To address these issues, NALSAR invited Dr. Moragogade Christopher Walter Pinto, Attorney of the Supreme Court of Sri Lanka of the Inner Temple to deliver a lecture on '*Third Party Dispute Redressal Mechanism*'. Sir Pinto is a



leading international lawyer and former diplomat. Dr. Pinto has served as Secretary-General of the Iran-US Claims Tribunal. He is also the first Legal Advisor to the Sri Lankan Ministry of Defence and External Affairs from 1967-76 and was Sri Lanka's Ambassador to Germany and Austria (1976-80).

During his address, he discussed the new formats of international dispute resolution mechanisms and their growing scope and importance. These dispute resolution bodies are displacing the traditional power based setup and international order. Therefore he emphasized on the need to evaluate and reflect on their

effectiveness as a dispute resolution body and look for areas of international cooperation for fostering international ties. He also focused on the questions of jurisdictions, powers, acceptance by states, mechanism for dispute resolution, finality and enforcement to make them effective and efficient in true sense. As international relations, particularly in international investments and trade have been witnessing a paradigm shift in creating new practices and treaty interpretations, he was of the opinion that there are areas that need to be addressed for the effective working and authority behind these dispute resolution bodies.

**International Tribunals and the Realization of Justice by  
Judge Antonio Augusto Cancado Trindade,  
Judge, International Court of Justice**



At present there is a wide ongoing discourse in the international judicial and quasi-judicial forums regarding mechanisms to enhance accessibility to justice under international law.

The issue apart from being a matter of concern at international level also requires the states to adopt requisite procedures parallel within their domestic jurisdiction to ensure compliance with the judgments and decisions of the international tribunals and courts.

The international community of today relies on the decisions of international courts and tribunals which adjudicate cases that take place not only at inter-State level, but also at intra-State level. This inter-alia allows the students of international law to understand the notion of international justice from the perspective of a global community. From the standpoint of the needs of protection of the justiciables, each international tribunal has its importance, in a wider framework encompassing the most distinct situations to be adjudicated, in each respective domain of operation

In this regards, NALSAR invited Judge Antonio Augusto Cancado Trindade, Judge, International Court of Justice to deliver a Talk on '*International Tribunals and the Realization of Justice*'. Judge Trindade is a Member of the International Court of Justice and also a Full Professor of International Law at the University of Brasilia and at the Rio Branco Diplomatic Academy of Brazil. He is also the Honorary Professor, Universities of San Marcos and of Rosario, Honours, National University of Mexico and Universities of Rio de Janeiro and of Minas Gerais. He has also served as the Former President of the Inter-American Court of Human Rights and Former Legal Adviser to the Ministry of External Relations of Brazil.

Judge Antonio's lecture traces the evolution of international justice over a period of time through the introduction of international tribunals. He started his discussion with the emergence of international tribunals including the drafting of the statute of PCIJ in 1920, the International Prize Court set forth in the Hague Convention of 1907 which unfortunately never came into force. He also threw light on the advent of permanent international jurisdiction at the beginning of the XXth century, before the creation of the PCIJ which was not marked by a purely inter-State outlook of the international *contentieux*. He also pondered upon the question

regarding individuals' access to international justice and that equality in procedure has continuously drawn the attention of legal doctrine ever since, all the way through decades. These days, the international community providentially relies on a wide range of international tribunals, adjudicating cases that continue to take place not only at inter-State level, but also at intra-State level. This invites us to analyze their work from the correct perspective of the justiciable themselves, and brings us nearer to their common undertaking of safeguarding the recognition of international justice, either at inter-State or at intra-State level. From the point of the needs of protection of the justiciables, each international tribunal has its importance, in a wider framework surrounding the most distinct situations to be adjudicated, in each respective domain of operation. He also focused on the contribution of expanded advisory jurisdiction towards the development of international justice. For the first time, it was with the PCIJ that, an international tribunal was accredited the advisory function, surrounded as it was by much discussion. It was originally considered to assist the Assembly and the Council of the League of Nations, by the PCIJ, making good use of it, ended up by supporting not only those organs, but States as well.

**Global Justice, Human Rights and the Modernization of  
International Law by Prof. Francesco Francioni, Professor Emeritus,  
European Institute, Florence and LUISS University, Rome**



International Law is witnessing an era of change and modernization and the international law making process is driven by many factors. Many jurists are of the opinion that amongst these factors the status of an individual entity with a special reference to their human rights often stand out. International Law per se is a dynamic arena and is still evolving with changing times. Against this backdrop, it is unclear as to whether its modernization process is also producing structural changes, which affect the subjects, the sources and even the very purpose of this law. This raises many questions regarding the efficacy of international legal order especially examining whether its approach has changed from a state-centered international order to a human centered one and similarly from inter-state justice to global justice.

In this regards, there was a need to address the concerns revolving around human rights and related issues like mass migration and human rights of individuals from the public and private

international law. Further, there was also a need to understand the cooperative framework operative amongst various stakeholders with the objective to further develop a conceptual framework for the international community.

With this objective in mind, we invited Prof. Dr. Francesco Francioni, Professor Emeritus, European Institute, Florence and LUISS University, Rome to deliver a lecture on the topic of *Global Justice, Human Rights and the Modernization of International Law*. Prof. Francesco Francioni is Emeritus Professor of the European University Institute and Co-Director of the Academy of European Law. From 2003 till 2012, he was Professor of International Law and Human Rights at the EUI, and Coordinator and Scientific Director of the FP7 PRIV-WAR project (2008-2011). Previously, he was *Professore Ordinario*; Director of the International Peace Studies Center and Jean Monnet Chair in European Law at the University of Siena (1999-2003). He was the legal consultant for UNESCO and has served as Chairman of the UNESCO World Heritage Committee in 1997-1998.

During his lecture at NALSAR, Dr. Francioni spoke about the changing dynamics of international law with a particular reference to the consequent impact on the global justice system and the role of human rights within this framework. He addressed the gathering on three fundamental aspects involved in the modernization process of international law, the possible expansion in the concept of international community and to demarcate individual not only as a member or citizen of a country but also a member of the international community.



**Career Opportunities in International Law by Prof. Eyal Benvenisti, Whewell  
Professor of International Law and Director of Lauterpacht Centre for  
International Law, University of Cambridge**



International Law initially began as a specialized branch of law broadly encompassing the spectrum of areas including human rights, political and civil rights, business regulations, etc. However as the interactions between states started gaining momentum and their relationship got more complex, and then emerged from this very domain of international law numerous disciplines creating a niche for itself. Subject areas like International Trade Law, Human Rights Law, International Criminal Law, International Humanitarian and Refugee Law, International Commercial Law and Arbitration, International Environmental Law, International Intellectual Property Law and public policy etc. have emerged from the domain of international law and are considered to be a specific discipline in itself.

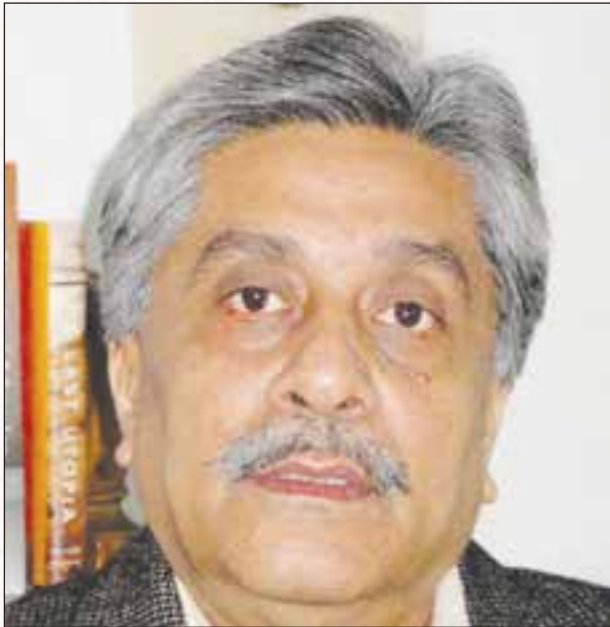
In this regard, Prof. Dr. Eyal Benvenisti, Director of Lauterpacht Centre for International Law, University of Cambridge was invited to deliver a

talk on the *Career Opportunities in International Law*. Prof. Benvenisti was Anny and Paul Yanowicz Professor of Human Rights, Tel Aviv University Faculty of Law (from 2002) and Hersch Lauterpacht Professor of Law at the Hebrew University (from 1990). He was Global Professor of Law at New York University School of Law (since 2003). He was Visiting Professor at Yale, Harvard, Toronto, Columbia, Pennsylvania, Michigan, and gave a special course at The Hague Academy of International Law (2013). Professor Benvenisti is the recipient of several prizes including the Humboldt Research Award and the Francis Deak Prize.

Dr. Benvenisti spoke about few pre-requisites to become an international law professional which includes a willingness to travel frequently and the ability to speak a foreign language. He informed the students about the educational requirements for international law professionals which vary significantly and apprised us that many careers within the legal system require professionals to hold specific licenses or certifications in accordance with state or federal law. Students pursuing a specialization in specific branches of international law can serve in the capacity of an Attorney who can further specialize by focusing on international law in relationship to business transactions, finance or immigration, etc. An international law professional can also serve as an arbitrator upon obtaining the requisite qualification and certification. Such professionals can also work both on the administrative as well as on the legal side of international courts and tribunals.



**Third World Approach to International Law by Prof. Dr. Bhupinder Singh Chimni,  
Professor, Centre for International Legal Studies, Jawaharlal Nehru University**



The Third World Approach to International Law is a critical approach to the notion of international law scholarship. It is considered to be an intellectual and political movement and perceives international law as a mechanism to engage in exploitation of the third world countries through subordination to western ideologies. Jurists have been seeking to change what has been identified as the oppressive aspects of international law.

International law is playing a crucial role in helping legitimize and sustain the unequal structures and processes that manifest themselves in the growing north-south divide. Indeed, international law is the principal language in which domination is coming to be expressed in the era of globalization. It is displacing national legal systems in their importance and having an unprecedented impact on the lives of ordinary people. Armed with the powers of international financial and trade institutions to enforce a neo-liberal agenda, international law today threatens to reduce the meaning of democracy to electing

representatives who, irrespective of their ideological affiliations, are compelled to pursue the same social and economic policies. Even international human rights discourse is being manipulated to further and legitimize neo-liberal goals. In brief, the economic and political independence of the third world is being undermined by policies and laws dictated by the first world and the international institutions it controls.

With a view to discuss these challenges, NALSAR invited Prof. Dr. Bhupinder Singh Chimni, Professor, Centre for International Legal Studies, Jawaharlal Nehru University to discuss and deliberate upon his insights on the Third World Approach to International Law. He was the former Vice Chancellor of the West Bengal National University of Juridical Sciences; Visiting Professor at the International Center for Comparative Law and Politics, Tokyo University; a Fulbright Visiting Scholar at Harvard Law School, Visiting Fellow at Max Planck Institute for Comparative and Public International Law, Heidelberg, and the Refugee Studies Center, York University.

During his lecture is hinted towards the threat of Re-colonization which is haunting the third world namely the developing and the least developed countries. He presented a critique of globalizing international law and proposed a set of strategies directed towards creating a world order based on social justice. His focus was to initiate a discussion on this issue rather than making a definitive statement. He discussed the different ways in which the relationship between State and international law is being reconstituted in the era of globalization to the distinct disadvantage of third world States and peoples.

**Sovereign Immunity and Allegations of State-Sponsored Terrorism:  
Recent Developments by Dr. Lori Damrosch Fisler, Henry L. Moses  
Professor of Law and International Organization, Columbia University**



State sponsored or supported terrorism has been witnessed frequently in international relations however the instance of a state taking responsibility or accountability for such an act has been rarely witnessed. A state's reliance on the international security measures has also proved futile and the international and cooperative mechanism for response to state sponsored terrorism has been weak and divergent in the light of individual state interests. This has also been supplemented by the weakness of domestic laws for criminalizing such offences especially when they are related to cross border crimes and terrorisms. This has been exploited by the terrorist groups who have observed the lack of a coordinated effort and legal norms to curb interstate terrorist operations leading to not only the misuse of financial reparations in the country to support terrorist activities but also the military and arms misuse.

Countries across the world have faced the brunt of state sponsored terrorism for decades and

have been using a fortune of their resources to counter it ineffectively and unsuccessfully for decades. With time on the other hand terrorist organizations with the support of states have become more coordinated, strong, and deadly in their operations. Therefore there is an urgent need for an international mechanism and cooperation for coordinated efforts for bringing in responsibility and sanctions against state which in any way support, promote and sponsor terrorist activities across different borders.

To understand the contours of such efforts, NALSAR invited Dr. Lori Damrosch Fisler, Henry L. Moses Professor of Law and International Organization, Columbia University, to deliver a talk on the topic of '*Sovereign Immunity and Allegations of State-Sponsored Terrorism: Recent Developments*'. Prior to joining the Law School, Damrosch served in the Office of the Legal Adviser of the Department of State with responsibilities including European and Canadian affairs, international antitrust, aviation, and trade. She is a member of the Council on Foreign Relations, the Department of State Advisory Committee on International Law, as well as numerous international law and human rights organizations. She has served as the Vice President of the American Society of International Law, followed by her term as counselor of the American Society of International Law, and President, American Society of International Law (2014-2016).

During her address, she spoke about how states dealing with the issues of terrorism are progressively opting to use military force. As a result, understanding international standards

applicable to the appropriate use of force has become more pertinent and relevant. She was of the opinion that obstructions and failures in the international arena have led like-minded western states, including the United States, to turn to the option of military as a last resort in fighting this threat. She attributed this approach to the lack of lack of international cooperation in this area resulting from the inefficiency of the

UN Charter to ensure international peace and security. This is further complicated when the pertinent aspect of state responsibility is ignored while dealing with the issue of international terrorism. She emphasized on the need for an intensive positive effort for the placement of state involvement *vis-a-vis* international terrorism into the context of state responsibility and international duty.

**International Investment Law by Dr. Pemmaraju Sreenivasa Rao,  
Special Legal Advisor to Attorney General, Doha, Qatar**



Investment is a principal driver of economic growth, whether it is developed or developing countries. The world economy of today is driven by the strong movement of globalization, liberalization and privatization policies and growing investments and infrastructural development plays a very significant role in the same and in this growing trend the economy of India is no exception. The impact of social and environmental challenges is also growing at parallel rate and it is at this time that harnessing

economic growth for sustainable and inclusive development is more important. Mobilizing investment and ensuring that it contributes to sustainable development objectives is therefore a priority for all countries and for developing countries in particular.

The recent development of protection of international investment law is remarkable and international investment law is emerging as a distinct and significant field of international law. Countries have collectively signed more than 2500 bilateral investment treaties and more than 300 treaties with provisions relating to safeguard and advancement of investments. Simultaneously, the number of investment-related disputes between investors and states has also increased over time. The practice of International Investment Law and Arbitration is becoming the main stream for big law firms.

In this regard, NALSAR invited Dr. P.S. Rao, Special Legal Advisor to Attorney General, Doha, Qatar and President, Institute of International Law to deliver a lecture on the topic of '*Current Developments in International Investment Law*'. Dr. P. S. Rao, is a distinguished Indian international lawyer who headed the



Legal and Treaties Division, Ministry of External Affairs, India; the chief legal advisor of India on international law matters from 1985 to 2002, and ad-hoc Judge of International Court of Justice in the case concerning sovereignty over Pedra Branca/Pulau Batu Pateh, Middle Rocks and South Ledge (Malaysia/Singapore) (2004–2008). Presently, he is a Special adviser in the office of the Attorney-General, State of Qatar and Visiting Professor at the Center for International law studies, Jawaharlal Nehru University, New Delhi.

He began his lecture explaining the significance of foreign investment as an essential for the nourishment and growth of national economy in the globalized world. Foreign investors are expected to be provided with more protection than that given to national investors being

concerned of the challenge that their risk is higher. He informed the gathering that since the middle of twentieth century the issue of clash between interests of foreign investor and regulatory powers of sovereign state has been the pivotal point of international investment law. Obligated by the requirement for foreign investment, States have ended up signing growing number of BITs acknowledging number of safeguards to foreign investors. However, with the new Indian model BIT, it appears that sovereign States are not yet ready to acknowledge the sovereign space and national interest in name of safeguarding the interests of investor. Hence, International Investment Law as revealed through history and tribunal decisions is a battle between legitimate regulatory powers of sovereign states and securities of foreign investor.

### **International Environmental Law: The Experiences of an Academician by Prof. Roy Lee, Professor, Yale University School of Forestry and Environmental Studies**



The domain of international environmental law as a separate discipline in itself had carved out

from the domain of public international law in 1970s with the Stockholm Conference on the Environment held in 1972 which highlighted numerous concerns revolving around environmental degradation and moved towards adoption of an international normative framework to address this concern. Ever since then, the entire discourse in the legal community including the legal academia has traversed through numerous changes. International cooperation in the form of treaties, agreements and resolutions created by intergovernmental organizations as well as national laws and regulations are being used to protect the environment.

In this regards, Prof. Roy S Lee, Professor of Yale University School of Forestry and

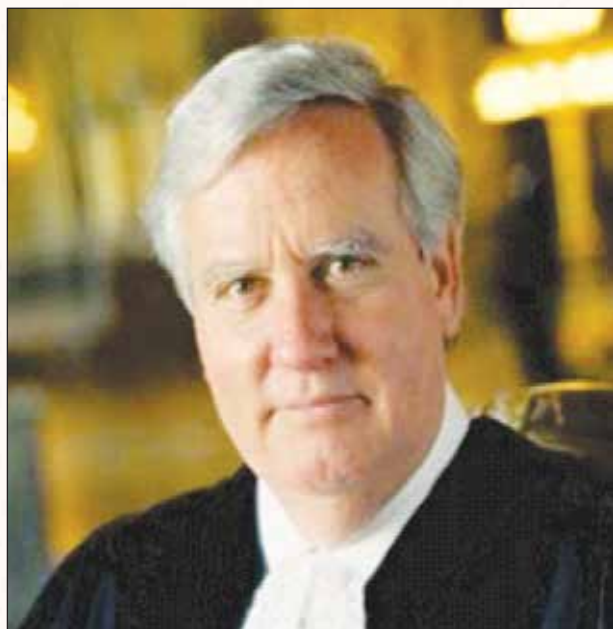


Environmental Studies was invited to present his views on how the academia at present perceives the matters pertaining to International Environmental Law. Dr. Lee is a Professor at the School of Forestry and Environmental Studies, Yale University. He is also the Permanent Observer to the United Nations for the Asian African Legal Consultative Organization. In the 1990s, he was Director of the Codification Division of the Office of Legal Affairs, and Secretary of the International Law Commission, the Sixth (Legal) Committee of the General Assembly and three other treaty-making bodies. He was the Executive Secretary of the UN Conference for the Establishment of the International Criminal Court. He has published

and edited nine books and several articles on various subjects of international law.

During his lecture, Dr. Lee spoke about the key issues addressed by International Environmental Law like ozone layer depletion and global warming, desertification, destruction of tropical rain forests, marine plastics pollution from ships, international trade in endangered species (i.e. ivory trade), and shipment of hazardous wastes to Third World countries, etc. Thereafter, Dr. Lee shared his personal views on the role of academia in developing the legal domain of international environmental law and his engagement with the subject during his tenure at the Yale Law School and before.

### **Decision Making Process in International Court of Justice by Judge Christopher Greenwood, Judge, International Court of Justice**



The International Court of Justice is the principal judicial organ of the UN. Its Statute is an appendix to, and an integral part of, the UN

Charter. But the Court antedates the UN. It was founded under the auspices of the League of Nations; the Covenant of the League directed the League to take steps to institute a Permanent Court of International Justice. The decision making process at the International Court of Justice and many other international tribunals is of particular interest to the legal academia and enjoys a special significance with regards to the jurisprudential understanding of the decisions the world court takes.

To understand this perspective, NALSAR invited Sir Christopher Greenwood, Judge, International Court of Justice to throw some light upon the Advocacy techniques prevalent in the World Court and the Decision Making Process at the International Court of Justice. Sir Greenwood CMG QC was an English judge at

the International Court of Justice. Prior to his election, he was professor of international law at the London School of Economics and a barrister who regularly appeared as counsel before the International Court of Justice, the European Court of Human Rights, the English courts, and other tribunals. He has rendered legal and advisory opinion in the case of *'Legality of Use of Force against Iraq'* (2002) and acted as counsel for UK in the Oidamic Case before ICTY.

Sir Greenwood at the beginning reminded the contentious nature of jurisdiction that is vested with the International Court of Justice

consequently handicapping the court from instructing the sovereign states parties voluntary appearing before the court with regards to execution of a decision. Moving forward, he discussed key advocacy techniques and shared his personal experiences while arguing for various landmark matters before the court. He also shared with the gathering his experiences as a Judge of the International Court of Justice and key aspects that he considers as crucial in decision making process and judgment delivery. He also advised the students on the career opportunities at the court.





## POSSIBILITY OF ACADEMIC COLLABORATION DISCUSSED

Academic and research collaboration is a very valuable tool that not only accelerates the progress but also enhances the quality of the work and extends the repertoire of the partners. Academic collaboration is beneficial to the faculty in learning new teaching tools, and to the students in increasing the breadth of their knowledge and learning different approaches to solving a problem. With an objective of facilitating peer learning in areas of contemporary and international relevance, the University has entered into Memorandum of

Understanding with as many as 32 reputed foreign Universities for student and faculty exchange programmes across the world.

During the Session we also initiated discussions with the members, who are the helm of prestigious institutions, tribunals, etc. to forge academic collaboration with their respective university or court or organization. At present we are following up on the leads we have received and negotiating the terms for a possible association







# **CHAPTER - 17**

## **CULTURAL PROGRAMMES**

It is a tradition of the Institute that Host Group or the Host Institution is required to organize cultural evenings wherein the culture and tradition of the country and city, where the session is being organized, can be showcased. These evenings have to be scheduled after the plenary sessions and were needed to be followed by Dinner.

While for one of the dinners the members, their spouses and the staff were scheduled to be taken to the Light and Sound Show, Golconda Fort which was supposed to serve as the Cultural Event for one of the evening. On another evening, a scheduled Panel Discussion was scheduled in the evening instead of a cultural event. Hence barring these two days, the University was to organize Cultural Evenings for the remaining three days. Since barring two members, all the

members and staff were staying at Leonia Resorts, it was decided to host the Cultural Evenings in the same resort which can be followed by Dinner at the same venue.

We contacted numerous artists and government agencies including the Ministry of Tourism and Culture to provide us with access to artists. However upon not receiving satisfactory answer, we approached few event management firms who claimed to be dealing with artists for cultural performances. Upon selecting the lowest vendor i.e. Geox Media Private Limited to arrange for artists for the following Cultural evenings:

1. Classical Dance Fusion
2. Folk Fusion Dance
3. Kathakali











# **CHAPTER - 18**

## **TOUR PROGRAMME ARRANGEMENT**

Traditionally, the spouses and the families of the members are allowed to accompany the members for the Session of the Institute. It is the responsibility of the Host institution to organize / make arrangements for taking them around the city. This is called as the '*Tour Programme for the accompanying persons*' and is traditionally takes place simultaneously at the time of the Plenary Session. During the Hyderabad Session, the accompanying persons were taken to the following historical monuments and the symbolic places in and around Hyderabad.

### Monday 4<sup>th</sup> September 2017 (Warangal)



#### **Kakatiya Dynasty**

The Kakatiya period was rightly called the brightest period of the Telugu history. The entire Telugu speaking area was under the kings who spoke Telugu and encouraged Telugu. They established order throughout the strife torn land and the forts built by them played a dominant role in the defence of the realm. The administration of the kingdom was organized with accent on the military. The Kakatiya dynasty expressed itself best through religious art. Kakatiya art preserved the balance between architecture and sculpture, that is, while valuing sculpture, it laid emphasis on architecture where due. The Kakatiya temples, dedicated mostly to Siva, reveal in their construction a happy blending of the styles of North India and South India which influenced the political life of the Deccan.

### **Thousand Pillar Temple**

The Thousand-Pillared Temple at Hanamkonda, built by the Kakatiya king Rudra in A.D.1162, is similar in style and workmanship to the Ramappa temple. This temple, dedicated to Siva, Vishnu and Surya, is star-shaped. The Nandi pavilion, in which a huge granite bull still stands, the beautiful entrances to the shrine, the pierced slabs used for screens and windows, and the elegant open work by which the bracket-shafts are attached to the pillars are the other most interesting features of this temple.



### **Maa Bhadrakali Temple**

The temple which is counted as one of the oldest temples of Indian History is dedicated to the worship the mother of goddesses, Kali Matha or Bhadrakali Ammavaru. Goddess Bhadrakali is a true example of the capability and strength of women. Surrounded by the lush greenery amidst the hilly region, the Bhadrakali Temple opens up to a picturesque setting on the banks of the Bhadrakali Lake. The serene surroundings of the temple

work as an add-on and help the mind to relax and soothe the soul, while one gives away in obedience to the supreme power. One can also observe the strong resemblance to the Kakatiya style of architecture in the temple, particularly the entrance gateways which are made of stone. One of the inner pillars of the temple has a Sanskrit inscription on it. That particular pillar is called the Antralaya stambam.





**Tuesday 5<sup>th</sup> September 2017**

## **Golconda Fort & Shilparamam, Dinner at Taramathi Baradari**

### **Golconda Fort**

Golconda is one of the famous forts of India. The name originates from the Telugu words "Golla Konda" meaning "Shepherd's Hill". The origins of the fort can be traced back to the Yadava dynasty of Deogiri and the Kakatiyas of Warangal. Golconda was originally a mud fort, which passed to the Bahmani dynasty and later to the Qutub Shahis, who held it from 1518 to 1687 A.D. The first three Qutub Shahi kings rebuilt Golconda, over a span of 62 years. The fort is famous for its acoustics, palaces, ingenious water supply system and the famous Fateh Rahben gun, one of the cannons used in the last siege of Golconda by Aurangzeb, to whom the fort ultimately fell.



### **Shilparamam**

Shilparamam is an arts and crafts village located in Madhapur, Hyderabad, Telangana, India. The village was conceived with an idea to create an environment for the preservation of traditional crafts. There are ethnic festivals round the year. Shilparamam Arts and Crafts village is a tribute to the cultural legacy of India. The primary aim of this establishment is to foster, restore and help flourish the culture of India's glorious past. It provides a common platform for artisans and performing artists to showcase their talents. Nestling amidst rocks, rippling waterfalls and gorgeous lawns, Shilparamam is a melting pot of traditions



and cultures. Here each season brings a mood of festivity and Indian festivals are celebrated in the most traditional way.

Shilparamam hosts a multitude of ethnic art, crafts and culture from all over the country. The yearly All-India Festival of Arts and Crafts held here in February highlights the cultural and creative traditions from every corner of the country and provides a unique occasion to take home a piece of Indian art.

Shilparamam, a crafts village, conceived in the year 1992, is situated



just about few kilometers from Hyderabad city. Sprawling over 65 acres (260,000 m<sup>2</sup>) of land in the hi-tech hub city of India, Shilparamam gives a scenic ambience of tradition and cultural heritage. For promotion and preservation of Indian arts and crafts and to motivate the artisans, the state government established this platform.

Enchanting the blend of arts and artifact, epitomizing the true legacy with the diverse natural beauty of rural India; Shilparamam is tribute to Andhra Pradesh. Exhibiting the rustic richness and creativity of Hyderabad, it has captivated the imagination of visitors.

The lush and serene environment of Shilparamam is sculpted with woodwork, jewellery, cloths and local crafts of each region of the country. Showcasing a plethora of artistic ethos, Shilparamam is set amidst gardens, cascading waterfalls and natural rock heights.



### **Taramati Baradari**

Located at Ibrahimbagh on Gandipet Road and just outside the Golconda Fort, Taramati Baradari is one of the popular monuments of Hyderabad. It consists of a music hall with 12 entrances and was used as an auditorium. It is situated on the top of the hill, which was done so as to avoid any disturbance to the sound from the population of the surrounding area. It was built for residence of legendary dancer sisters Taramathi and Premamathi who used to perform at two separate pavilions which are circular dais atop a two-storied structure for Abdullah Qutub Shah. They used to often perform dances on a rope that was tied between Sultan's balcony and their place. This is the reason why Shah created Taramati Baradari with astonishingly fine acoustics so that her voice would reach him at the Golconda Fort, which is less than 3 km.



## Wednesday 6<sup>th</sup> September 2017 (Museums)

### Nizam's Museum

The stately Purani Haveli, the palace acquired around the year 1750 by the second Nizam, is now converted into a museum with a fascinating collection. The museum exhibits the gifts and mementos presented to the last Nizam on the occasion of the silver jubilee celebrations in 1937. A 1930 Rolls Royce, Packard and a Mark V Jaguar are among the vintage cars displayed. There is an interesting collection of models made in silver of all the prominent buildings of the city and citations in Urdu about H.E.H. Mir Osman Ali Khan, gold burnished wooden throne used for the silver jubilee celebrations, gold tiffin box inlaid with diamonds, and a gold model of Jubilee Pavilion.



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### Salarjung Museum



The Salar Jung Museum is an art museum located at Darushifa, on the southern bank of the Musi River in the city of Hyderabad, Telangana, India. It is one of the three National Museums of India. The Salar Jung Museum of Hyderabad is a repository of the artistic achievements of diverse European,

Asian and Far Eastern countries of the world. The major portion of this collection was acquired by Nawab Mir Yousuf Ali Khan popularly known as Salar Jung III. The zeal for acquiring art objects continued as a family tradition for three generations of Salar Jung. In 1914, Salar Jung III, after having relinquished the post of Prime Minister to H.E.H., the Nizam VII, Nawab Mir Osman Ali Khan, devoted rest of his entire life in collecting and enriching the treasures of art and literature till he lived. The precious and rare art objects collected by him for a period of over forty years, find place in the portals of the Salar Jung Museum, as rare to very rare pieces of art.



Thursday 7<sup>th</sup> September 2017

## Qutub Shahi Tomb



Constructed in the memory of the departed kings of Golconda, they are magnificent monuments that have withstood the test of time and nature's vagaries. They are located one kilometer north of Golconda Fort's called Banjara Darwaza. They are imposing marvels of architectural excellence that stand as the reminders of the glory of Golconda kings who are buried at the same spot. Built by the Qutub Shahis, these tombs are considered to be among the oldest historical monuments of Hyderabad. These tombs are present in a large group on a raised platform. They resemble Persian, Pathan and Hindu architectural styles that makes use of grey granite, with stucco ornamentation and is a one-of-its-kind place in the world where the whole dynasty is buried at a single spot. It is surrounded by landscape gardens called Ibrahim Bagh.



**Friday 8<sup>th</sup> September 2017**  
**Charminar, Husain Sagar Lake**



**Charminar**

Charminar is a monument and a mosque, which is synonymous with the history of Hyderabad, India. The majestic structure was completed in 1591 CE and is not only a landmark building of Hyderabad but also a famous monument of India. It is believed that Mohammed Quli Qutb Shahi, the fifth sultan of the Qutub Shahi dynasty had built the monument to commemorate the end of a deadly plague menace that had gripped the city then. It is located near the bank of the river Musi. Charminar is derived from two distinct words Char and Minar, which means four towers. Historians believe that this structure is an example for Indo-Islamic architecture combined with few Persian elements. The monument is

located in the heart of old city and it is believed that Hyderabad was measured in four directions from Charminar for administrative purposes. A visit to Hyderabad is incomplete without visiting this grand and majestic centerpiece. It is also considered the Arc de Triomphe of the East.

Each side of Charminar opens into a plaza like structure where the giant arches overlook the major thoroughfares. The ornamental arches on the minarets enhance the aesthetic value. There are 149 circular steps inside each minaret and one of them is open for tourists to climb and enjoy a breathtaking view of the city. It also houses the oldest mosque in Hyderabad with prayer spaces for the devout to worship.

Islamic architecture of those times is marked by arches, minarets, and domes. The structure is famous for its profuse stucco decorations and arrangement of impressive balustrades and balconies. The floral design is executed delicately and stands as a masterpiece to the combination of Mughal and Hindu architecture crafted by the local artisans. The four clocks in four cardinal directions were added in the year 1889. The place is a symbol of Hyderabadi culture and stands tall and proud as a reminder of the glorious era.

### Laad Bazar



Laad Bazaar is located quite close to the Charminar which is undoubtedly one of the most popular tourist spots of Hyderabad. Adjacent to the monument, the Laad Bazaar is stretched on four roads starting from Charminar and is spread across an area of one kilometer. The name "Laad Bazaar" has apparently derived from the word "laad" which means lacquer. Lacquer is one of the important materials used to make bangles; these vibrant lac bangles are very popular among visitors.

### Hussain Sagar Lake

Hussain Sagar is a heart shaped lake in Hyderabad. Hussain Sagar was built across a tributary of the river Musi in 1563 by Ibrahim

Quli Qutub Shah. The lake was named after Hussain Shah Wali, who helped to design it. It is an artificial lake that holds water perennially fed by canals from Musi river. Hussain Sagar was the main source of water supply to Hyderabad before Himayat Sagar and Osman Sagar were built on river Musi. It is spread across an area of 5.7 square kilometers and is fed by River Musi. A large monolithic statue of the Gautama Buddha, erected in 1992, stands on Gibraltar Rock in the middle of the lake. It also separates Hyderabad from its twin city Secunderabad. The maximum depth of the lake is 32 feet.

### Buddha statue

An 18-meter high monolithic statue of Lord Buddha towers over the lake from atop the Rock of Gibraltar. The idea was a part of the Buddha Poornima project in 1985. The statue was chiseled out of a white granite rock, weighing 450 tons. It was carved by 200 sculptors for two years. The statue was transported to Hyderabad in November 1988. After initial problems, the statue was erected on 12 April 1992 on a red lotus pedestal.





**Saturday 9<sup>th</sup> September 2017**

## **Taj Falaknuma**



Perched 2,000 feet above the city of Hyderabad is Taj Falaknuma Palace, a jewel amongst the clouds. Built in 1894, it is the former palace of the Nizam, rumoured to be the richest man in the world at one time. Overlooking the twinkling City of Pearls, this enchanting palace exudes romance and grandeur that take one back to when the Nizam ruled Hyderabad. The five-star luxury hotel, spread over 32 acres, allows you to journey to the gilded ages, where opulence and excess is celebrated and savoured in equal measure. The 60 rooms and suites are beautifully refurbished and lovingly restored by Her Highness Princess Esra, the Nizam's Turkish wife. Each provides marvellous views of the palace courtyard and the 400-year-old city of Hyderabad. The stunning Durbar Hall, Jade Room and massive 101-seater dining hall bedecked with Belgian chandeliers, and assorted gardens and terraces lend royal decadence to celebratory events and elegance to business meetings.

Given its grandeur and historical significance to the city of Hyderabad, it was deemed appropriate that the Closing Ceremony of the Institute should be held here.





**Sunday 10<sup>th</sup> September 2017**

**Ramoji Film City**



Escape to Ramoji film City, a magical realm filled with excitement and wonderful surprises at every turn. As the world's largest integrated film city and India's only thematic holiday destination with magic of cinema, there's something special for you're here. Spread across a sprawling 2000 acres Romoji Film city, set up by Ramoji Group in 1996, is a dreamy celluloid journey. Certified by the Guinness World Records as the world's largest Filmstudio complex, at Ramoji Film City, a film maker can walk with a script and walk out with film. For the others, Ramoji Film City flung open a wonderland where 1.5 million tourists build memories every year.







# **CHAPTER - 19**

## **CONCLUSION OF THE SESSION**



The Session concluded on September 9th, 2017. It was considered to be one to the most successful session of the Institute as it saw adoption of as many as three resolutions on extremely pertinent issues concerning international law.

### **Closing Ceremony and Dinner**

The Closing Ceremony and the Closing Dinner of the 78th Session of the Institute of International Law was held in Taj Falaknuma.

Perched 2,000 feet above the city of Hyderabad is Taj Falaknuma Palace, a jewel amongst the clouds. Built in 1894, it is the former palace of the Nizam, rumoured to be the richest man in the world at one time. Overlooking the twinkling City of Pearls, this enchanting palace exudes romance and grandeur that take one back to when the Nizam ruled Hyderabad. The five-star luxury

hotel, spread over 32 acres, allows you to journey to the gilded ages, where opulence and excess is celebrated and savoured in equal measure. The 60 rooms and suites are beautifully refurbished and lovingly restored by Her Highness Princess Esra, the Nizam's Turkish wife. Each provides marvellous views of the palace courtyard and the 400-year-old city of Hyderabad. The stunning Durbar Hall, Jade Room and massive 101-seater dining hall bedecked with Belgian chandeliers, and assorted gardens and terraces lend royal decadence to celebratory events and elegance to business meetings.

Given its grandeur and historical significance to the city of Hyderabad, it was deemed appropriate that the Closing Ceremony of the Institute should be held here.











## Customary Retreat to Ramoji Film City

The Ramoji Film City in India is located in Hyderabad. At 2000 acres, it is the largest integrated film city in Telangana and the largest studio complex in the world. The film city was also certified by the Guinness World Records as the world's largest Film Studio complex. It was set up by Ramoji Group in 1996.

It is also a popular tourism and recreation centre, containing natural and artificial attractions including an amusement park. Around 1.5 million tourists visit the place every year.







# **CHAPTER - 20**

**NALSAR IN NEWS FOR IDI -  
PRESS NOTES & CLIPPINGS**





# NALSAR to hold global seminar on Sept 3-10

OUR BUREAU

**Hyderabad:** NALSAR University of Law is hosting the 78th Session of Institut de Droit International (Institute of International Law) (IDI) in the city from September 3-10. This is a unique opportunity for NALSAR as around 60

celebrated scholars and practitioners of international law from across the world would be participating in the seminar. In connection with the 78th session, NALSAR would be receiving some 60 leading international law scholars and practitioners in-

cluding three judges of the International Court of Justice, two judges of the World Bank Administrative Tribunal, a Member of the UN Yugoslavia Tribunal, a former President of the International Criminal Court and former judges of different international tribunals.

## నల్సార్లో 3 నుంచి అంతర్జాతీయ న్యాయసంస్థ సమావేశాలు

శామిరీపేట సెప్టెంబర్ 3 నుంచి 10వరకు జాతీయ, అంతర్జాతీయ న్యాయశాస్త్ర విద్వంసుల నడుమ ప్రాచీన భారతీయ నల్సార్ న్యాయ విశ్వవిద్యాలయంలో జరుగుతున్నది. దేశంలో మొదటిసారి జరిగే అంతర్జాతీయ న్యాయసంస్థ 78వ సమావేశాలు హైదరాబాద్ వేదిక కావడం విశేషం. సమస్య వివరాలను వర్చిటీ దిశి ప్రొఫెసర్ ప్రొఫెసర్ డి బాలకృష్ణారెడ్డి మంగళవారం ఒక ప్రకటనలో వివరించారు. ప్రపంచవ్యాప్తంలో అంతర్జాతీయ న్యాయశాస్త్రంలో లోతైన అభిగాహన కలిగిన వారిని 80 దేశాంతం రెండవ విద్వంసుల చర్చలకు నల్సార్ వేదిక కానుకునైన అయిన పేర్కొన్నారు.

Hyderabad, Monday 4/9/2017 Page 5

# India for resolving disputes thro' negotiations: Venkaiah

OUR BUREAU

**Hyderabad:** Vice-President of India M Venkaiah Naidu said that India as a major stakeholder in the promotion of global peace, firmly believes in peaceful settlement of disputes through negotiations on the basis of international law and the UN Charter.

Addressing the 78th Session of International Institute of Law at Nalsar University here on Sunday, the Vice President said that the concept of the rule of law has been practised in India from times immemorial. The Samkhya and Dharmic traditions with righteousness, duty and law. It is derived from the root word dharma which means, sustain, nourish and support, he said. The two great epics, Mahabharata and Ramayana, embodied through righteousness and justice, forms the basis for triumph of good over evil and for protecting mankind, he said.

"Dharma Bhadrata Kakolita", the Sanskrit Sloka in Manu Smriti aptly sums up the basic Indian philosophy—the law will protect and defend those who protect and defend it. From the Vedic periods and through the times of various kingdoms, some kind of a legal system has always been in place in the sub-continent—right from the days of Kautilya (around 2nd century BC), whose Arthashastra encapsulates the essential principles of governance and administration of law and justice, while the Britishers introduced rules of administration and justice in 1772 in Bengal," Venkaiah Naidu said.

Vice-President M Venkaiah Naidu delivered a speech at the 78th session of International Institute of Law at Nalsar University in city. India attaches huge importance to the implementation of international statutes and rule of law and is a firm believer in promotion of peace and justice globally, he said



Vice-President of India M Venkaiah Naidu being received by Governor E.S.L. Narasimhan at Begumpet airport on Sunday.

India attaches huge importance to the implementation of international statutes and the rule of law and is a firm believer in promotion of peace and justice globally.

"It should be noted that India was among the countries which played a key role in the development of some of the important global conven-

tions and also those formulated by the United Nations like the Law of Sea Convention," he said. Naidu said India, particularly after the September 11, 2001

attacks, had put considerable effort in fighting international terrorism. Several Conventions resulted from the efforts exerted under the auspices of the United Nations. Attention may be made in this connection of the SAARL Convention on the suppression of international terrorism as well as the Indian proposal to conclude a comprehensive convention on suppression of international terrorism in force under the consideration of the UN. "India is one of the largest economies and has a young and educated work force. It represents a mature Parliamentary democracy with a highly independent judiciary and fourth estate," he said.

The Vice President said that India's foreign policy was based on sovereign equality of States, non-intervention in the internal affairs of other States and peaceful settlement of disputes in accordance with the principles articulated in Article 23 of the United Nations. India attaches high importance to bilateral negotiations in settling its differences and disputes with other nations on the basis of international law, justice and equity.

It subscribes to the compulsory jurisdiction of the International Court of Justice and values settlement of disputes by arbitration as appropriate.

The event was attended by Governor E.S.L. Narasimhan, Acting Chief Justice of High Court Justice Ravindra Gogoi, Law Minister A Indrakumar Reddy, Nalsar University Vice-Chancellor Dr Fiazun Mustafa, International Institute of Law president Dr P S Rao and other dignitaries.











# V-P talks tough on global terror

■ Stringent laws needed to curb international terrorism, says Venkaiah Naidu

DC CORRESPONDENT  
HYDERABAD, SEPT. 3

Vice-President M. Venkaiah Naidu has exhorted the legal fraternity to frame stringent laws to curb terrorism which is impacting people in all countries.

He said the need of the hour was to wage a joint fight against terrorism through legal, administrative and political means and by creating awareness among people so that peace prevails across the world.

Mr Naidu was speaking at the inauguration of the 78th session of the Institute of International Law at NALSAR University of Law campus in Shamsherpeta on the city's outskirts on Sunday. Around 69 celebrated scholars and practitioners of international

"The biggest threat to world peace is from terrorism. Terror has no religion, colour or sex. But, unfortunately, some sections are trying to link terror and religion for their narrow political ends. The world community should come together and have a comprehensive convention on suppression of international terrorism with an iron hand. A country can only progress when there is peace. Tension and attention cannot go together. When there is tension within the country, you cannot have attention towards development," he said.

He said that terrorism is the "biggest enemy of mankind".

Legal luminaries, lawyers and professionals should prepare laws in their respective countries

to fight terror and to end all sources that are aiding terror.

"What is happening in India was not felt across the world earlier. But consequences of what is happening in United States, in Africa or in Europe are being felt across the world and people are getting affected with it. Everyone should speak in one voice and make a resolve to act against terror," he said.

Governor E.S.L. Narasimhan urged the legal luminaries to focus extensively on defining human rights that are applicable to the entire world.

TS minister Indrakaran Reddy, Dr P.S. Rao, chairman of International Law Commission, Faizan Mustafa, vice-chancellor and Prof. V. Balakista Reddy, Registrar also spoke on the occasion.



Vice-President M. Venkaiah Naidu and Governor E.S.L. Narasimhan at the inaugural ceremony of the 78th session of the institute of International law at NALSAR University on Sunday. — DC

law from across the world are attending this week-long conference which is being held for the first time in India and the second time in Asia.



# **CHAPTER - 21**

## **APPRECIATION FOR NALSAR**



## APPRECIATION RECEIVED FROM THE INSTITUTE OF INTERNATIONAL LAW

For the first time in the history of the Institute, a partner institution received official recognition and appreciation from the Institution for the organization of the Session of the Institute. A Copy of the said certificate is reproduced herewith.





Upon return to The Hague, may I thank you so much for your message and the kind attention with which you distinguished us, my wife and I, during our stay at Nalsar University for the session of the *Institut de Droit International*. We keep the best memories of the occasion and of the fruitful dialogue with the students of Nalsar University. I also much appreciated our interactions, and we remain in contact.

With all good wishes in your plans, and my renewed thanks for all your care, I remain,

Sincerely yours,

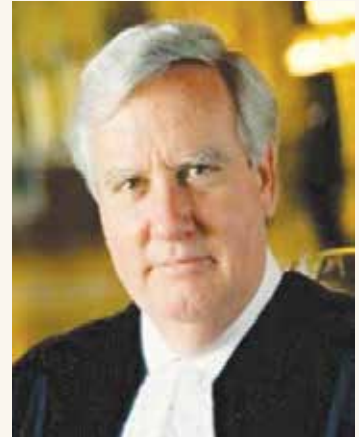
**Antônio Augusto Cançado Trindade**, Judge ICJ

Thank you for your kind message but it is I who should thank you. That the session was so productive and the members of the Institut so enjoyed their time in Hyderabad is due in no small part to the care and consideration you showed and to the hard work of you and your team. I am most grateful to you for all you did and for your unfailing good humour.

Thank you also for inviting me to talk to your students. I greatly enjoyed it and was most impressed by their quality.

With very best wishes

**Christopher Greenwood**, Judge, ICJ



I on behalf of myself and of Ms. Van Houtte, for the well-organized assistance you and your staff have given us while attending the IDI session in Hyderabad. I do not underestimate the logistical efforts you had to make.

Our stay in Hyderabad was very interesting and Ms. van Houtte much enjoyed the tours.

Best regards

**Prof. Hans van Houtte**

President Iran-United States Claims Tribunal



I would like to take this opportunity to reiterate my thanks for what the University of Nalsar, and particularly yourself, have done to make our stay as enjoyable and productive (3 resolutions adopted) as possible for all participants.

I would like to say that I have been attending all the IDI congresses since 2003 and I see that this is by far the best welcome I have had.

Best regards,

**Ahmed Mahiou**

Greetings from Italy. I am circulating your message among my colleagues at the European University Institute, the University of Siena and LUISS University in Rome to start examining possible forms of cooperation. At the same time you will find attached an electronic copy of one of my Oxford Univ. Press books I promised to send for your library. I will send more in the next few days. Please note that they are covered by copyright and therefore are only for strictly academic use by your students and faculty.

I keep very good memories of my visit to Nalsar University and of my talk with your students and faculty.

I look forward to developing relations and cooperation between our Institution.

With all good wishes

**Francesco Francioni**, Professor Emeritus of International Law

European University Institute, Florence and Professor of International Organisation, LUISS University, Rome



Dear Professor Reddy,

Thank you very much for your kind message. It gives me occasion to reiterate my heartfelt thanks for your hospitality. The conference was superbly organized and I felt very well taken care of, together with my family. Our visit to NALSAR University has been an extraordinary experience.

I will certainly keep the experience in mind and hope that we will meet and scientifically interact at some point in the future. With my best wishes

**Georg Nolte**



Thank you for your mail and the gracious sentiments you express.

I must record on my part gratitude for the excellent hospitality that NALSAR provided. I cannot thank you and the Vice-Chancellor enough.

I most definitely wish to come back to NALSAR to engage with its brilliant students and faculty. I will try and work out when I can do so. Meanwhile, it would help to know the time periods in which it would be best to visit NALSAR.

Finally, it would be nice to take the proposal for creating a platform for international law teachers forward.

With warm best wishes,

**Professor Dr. B.S. Chimni**



Thank you so much both for your kind words and your wonderful welcome at Nalsar University. I only regret not to have been able to stay under the end of the session.

As for your project of cooperation, as an emeritus professor, I am not in a very good position to organize this. But you could contact directly Professor Franck Latty, the director of my Research Centre (CEDIN – CENTREde Droit International) de Nanterre, who reads us in copy.

Thank you again. Kind regards,

**Alain Pellet**

Emeritus Professor, Université Paris Nanterre; Former Chairperson, UN International Law Commission; Member, Institut de Droit international; President, French Society for International Law  
New address : 36 rue Bernard Buffet (BAL 36), F 75017-Paris  
[www.alainpellet.eu](http://www.alainpellet.eu)

I much appreciate your letter which allows me the opportunity to thank you most warmly for your hospitality at the IDI meeting, and indeed congratulate you and your colleagues for the superb organization of this event.

Sincerely,

**Francisco Orrego**





It was a wonderful stay at Hyderabad last week, and I enjoyed it immensely. Thank you for all the hard work you put for the successful conference. I wish you all the best for your future programs at NALSAR.

With many thanks and best wishes,

**Shinya Murase**

Thank you very much for your kind message. It is up to me to send you words of gratitude. Together with your team you have managed to put together an unforgettable conference which was prolific in terms of outcome thanks to the perfect organisation.

Concerning future cooperation with my Institute, the Max Planck Institute for International and Comparative Private Law I have to tell you that I shall retire from my position as a director and am therefore no longer able to make any institutional commitments for the future. I may however refer you and other NALSAR scholars to our website <[www.mpipriv.de](http://www.mpipriv.de)> which also contains some information on short-term scholarships. With more than half a million books and more than 2000 subscriptions to periodicals our Institute is an outstanding place for research in the fields covered.

With all good wishes and my best regards,

**Jürgen Basedow**



I would like to thank you for your warm welcome.

We all appreciated very much to be able to meet at Nalsar University and have encounters with professors and students of this well respected university.

I hope that we will remain in contact and I will keep in mind to send you any relevant information from our University.

With kind regards,

**Laurence Boisson de Chazournes**

Professor of International Law, Département de droit international

Public et organisation internationale, Faculté de droit, Université de Genève

Dear Confrère Rao, Dear Professor Reddy,

Wholehearted thank you for this wonderful conference that you organized in Hyderabad. I feel very grateful that I could participate in it. Your Indian hospitality was superb and I have only the very best memories about all aspects of the conference.

So thank you so much; this conference will very positively go into the annals of public international law-related events!

**Lauri Mälksoo**



Thank you very much indeed for your kind letter and the hospitality we had at Nalsar University. It was very great! I will let you know if there is any program of cultural exchange with India both for students and Professors. As far as I know there is no program at moment, but it might be in the future.

Again thank you very much for the organization and hospitality.

**Natalino Ronzitti**

Dear Professor Reddy

It has been a very great pleasure for me to spend a week at Nalsar's beautiful campus.

I look forward to further collaboration.

With warmest regards

Yours

**Professor Tullio Treves**



Thank you for your good letter and thank you, in particular, for your hospitality. I must say that I was most impressed with the knowledge and commitment of your students for international law. Thank you also for the invitation to speak or teach a class at Nalsar. I am committed for the next two years and beyond that could not make a commitment but I thank you for the kind invitation.

Sincerely,

**Michael Reisman**



Dear Colleague

Thank you for your e-mail. I should like to express my gratitude to the University for the skill with which the session of the Institute was organized and the generous hospitality extended by you to its members. I think I can say that all of us had a marvelous time and that the scientific results of the session were appreciable.

We all will remember with great pleasure our days at Nalsar and will be happy to preserve the links thus established with your University.

Sincerely yours, with all my thanks,

**Lucius Cafilich**



Thank you very much for this kind letter. Thank you as well for the excellent facilities you provided to the Institute at your University. They were of great help in facilitating the work of the Institute. And I too enjoyed meeting you.

The class with your students was very good for me and I trust for them as well. Their questions showed that they had a very good theoretical and practical knowledge of the issues I touched on.

I have had the opportunity to mention informally to the Vice-Chancellor at this University the most interesting proposal you make about possible academic arrangements between your University and this one. I will take it up with the Dean of the law faculty here, Professor Mark Hickford, today. And thank you very much for suggesting that I might visit.

All the very best and again many thanks

**Ken Keith**

Professor Emeritus of law, Victoria University of Wellington, New Zealand

After our safe return home, I hasten to thank you for all assistance my wife and I received from you both before and during the Conference. You have been extremely helpful and efficient. I wish you great success with your doctoral project!

Best regards

**Michael Bgdan**





Many thanks for your kind email and sorry for this very late response – the last quarter of the year has been particularly intense. It is only now, in the relative quietness of the last days of the year, and reflecting on the Hyderabad session that will remain a highlight of 2017 as far as I am concerned, that I remember your email and find a bit of time to respond.

I am open to any form of students' exchange agreement if that is something that NALSAR university is willing to contemplate. Do not hesitate to get back on touch with me in that regard, and I shall introduce you to our vice-dean in charge of international affairs. I was most

impressed by your students during the question time.

I shall be on sabbatical for one year, starting in February, and will stay in Berlin for the first five months. However, this should not prevent us from exchanging further.

With my best wishes for 2018,

**Prof. Dr. Pierre d'Argent**

Full Professor of Public International Law at the University of Louvain (UCL)

Associate Member of the Institut de droit international

Member of the Brussels Bar, Special Counsel Foley Hoag LLP

Many thanks for your kind email and your invitation to cooperate with Nalsar University.

I wish to congratulate you again for the excellent organization of the session of the Institute of International Law. Everything was perfect!

After the session my wife and I visited your wonderful country and we came back to Spain delighted with our trip to India.

Thanks for sending me your CV. I will keep it in mind for any activity in which your could feet in. I am in contact with the Universidad Autónoma de Madrid, so I will talk to them about it.

It was great meeting you.

With kind regards,

**Santiago Torres Bernárdez**



I deeply appreciated the generous hospitality of NALSAR and your charming and highly professional personal assistance. I shall be in touch also by post.

With warm regards,

Yours sincerely,

**Professor Campbell McLachlan QC**



Having returned to The Hague after the very successful IDI session in Hyderabad, I wish to thank you and your staff most heartily for all you have done to make our stay in Hyderabad so pleasant, and for the perfect organization of the event.

Those who, like me, have had the responsibility for organizing global meetings of – sometimes rather demanding – international lawyers, will appreciate the huge efforts which such meetings usually require. You managed to make everything run smoothly and I am personally most grateful for the extra, special effort which you made on my behalf regarding my transport from and to Aalankrita. I enjoyed the

place very much – but only later realized that I was almost the only guest to have chosen this resort!

I hope you will now have time to take some rest, and, in any event, you may look back with great pride at the Hyderabad session of the Institut.

With kind regards,

**Hans van Loon**

Independent Consultant/Consultant indépendant

Member of the Institute of International Law/Membre de l'Institut de Droit International

Former Secretary General of the Hague Conference on Private International Law/Ancien Secrétaire général de la Conférence de La Haye de droit international privé (1996-2013)

Academy Building – Peace Palace/Bâtiment de l'Académie – Palais de la Paix

[Carnegieplein 2, 2517 KJ The Hague](http://Carnegieplein 2, 2517 KJ The Hague) Netherlands/La Haye Pays-Bas

Dear Colleague,

Thank you very much once more for your wonderful support to us. As I said, the Hyderabad session will be unforgettable.

If my busy schedule allows, it will be a pleasure to come back to NALSAR.

At our Institute, there are possibilities for visiting scholars. Please, have a look at:

[http://graduateinstitute.ch/home/research/visiting\\_programmes/visiting\\_fellows.html](http://graduateinstitute.ch/home/research/visiting_programmes/visiting_fellows.html)

All my best wishes,

**Marcelo**





13.9.17

#1831

Dear Dr. Reddy and  
Malsar University. I  
would just like to  
confirm that we had  
a wonderful stay and  
very much appreciated  
your efficiency and your  
kindness.

Isabelle.

13.9.17

#1857

Thanks a lot for every  
thing. We had a very nice  
stay at Malsar University and  
the hotel.

Joselyne &  
Paulette

10.09.17.

1802

We had a lovely time here -  
the staff are wonderful.

Laurence and Alti  
Cotti

SEP, 10. Judge Raymond RANJEVA  
BP 6514 Antananarivo 101 Madagascar  
<ray.ranjeva@gmail.com> <ray.ranjeva@mojv.mg>

Thanks so much for your  
warm hospitality. We keep  
in our souvenirs how great  
were the kindness of Leonie and  
of all the NALSAR staff -  
Congratulations! Yours  
Raymond Ranjeva

#1830

Magnifique hotel! complexe merveilleux d'un bon air et  
d'une qualité de service qui font honneur à l'hôte et aux Indiens,  
Narbon nous en fière.  
A NALSAR, nous aurais de nous dans la trajectoire qui nous a  
émerveillés et porte l'espoir de tout un peuple et d'une suite de  
joie et de progrès - Belle capitale merveilleuse nos amis Vénus

Y et Raymond Ranjeva (RANJEVA)

ancien Docteur Université d'Antananarivo,  
Madagascar

10-09-17

#1864

Bernard Oxman  
10 Edgewater Dr  
Miami FL 33153 305 979 7822

Excellent conference arrangements.  
Excellent accommodations. A  
truly productive & enjoyable  
visit, with outstanding  
hospitality.



Sept 10, 2017

This was a very exciting experience. I enjoyed very much  
the splendid organization, the wonderful facilities and,  
in particular the encounter with a vivid and interested  
student body. The contribution of this conference on  
international law will be a lasting one.

Rüdiger Wolff  
Germany



10.9.17

Thank you for excellent  
help and service. I  
greatly enjoyed meeting  
and speaking to your  
students.  
Ken & Judy Kerte.

10/09/17

Very well organized Conference.  
Nalsar University has honored Telangana  
State and India, and the International  
Law Community Warm Congratulations

Maurice Kerte

#1806

Sept 10, 2017

RAGHU PENNARATHI  
raghupennarathi@yahoo.com

#1815

This was a fantastic experience to have  
gathered such a great group of International  
Lawyers that have served the world Community  
to share their wisdom and experience  
with India and Students that will share  
this with the world. I'm glad to be  
part of such a unique and wonderful  
event and wish the University, its  
faculty and Students all the best in  
their future plans and keep Public  
International Law & Peace going from  
India.



Septiembre 10, 2014

The journey to Nalca was a unique experience!  
I have never been to India yet and I <sup>have</sup> really enjoyed the  
country, the country of his people.

Thanks for all,

Interventional law, Joseph Nebot &  
Tania Pérez Domínguez

10/9/17

Thank you for your warm hospitality and the  
quality of your welcome I will always remember.  
Philippe Ribes Casapala

10/9/17

Very wonderful stay. Still helpful and  
thankful. Thanks Agud Obispo, C. Santibañez

10/9/17

Thank you for your effectiveness  
and the warm hospitality.  
Happy to return back through  
Nalca University

Nica Schrijver,  
the Netherlands,  
Lena GANNAGE

Many thanks for this wonderful time  
and for the lovely team of Nalca University.  
All the best  
Lina GANNAGE

11.09.2017

Conchita Pérez Cubero  
José Carlos Fernández Pozas  
jcfernan@vcm.es

#1855

Ha sido una estancia  
muy agradable en todo  
el Resort Leania. El perso-  
nal nos ha atendido magní-  
ficamente. Las instalaciones  
amuebladas con una cierta moder-  
nización, pero las atenciones  
compensan las carencias.  
La Universidad Nalca  
nos ha dado una magnífica  
estancia.  
Muchas gracias!

Sept 10, 2017

#1829

This was my first visit to India, and I very much appreciated the warm welcome from NALSAR and the excellent organization throughout. Ms Anita Singh has been very attentive to all requests and provided most efficient responses for everything needed. I also appreciated the opportunity to interact with NALSAR students, who asked probing questions at the session organized for substantive discussion of international law topics. The evening programs at Golconda Fort with accompanying dinner and the spectacular evening at Taj Fabrikama will be cherished memories of this special week.

Sincerely,  
Lori F. Donowal  
New York

#1844

Charlyho Command  
Intermittent Cont of Justice

Very pleasant stay and some memorable meals - Thank you.

10/9/17

I have had an incredible experience at the Hyderabad session. Could not be better! Adornawan (Ko Swan Sik, Indonesia)

10/09/17

Mulhaan sa Paul Switzerland

#1852

Bien qu'il fasse très chaud et humide, j'ai une impression très agréable de Hyderabad. Les personnes rencontrées sont serviables et très accueillantes. L'Université NALSAR a été formidable avec un service impeccable.



10. 9. 17 MARIA TORRES BERNARDEZ  
MCAMPUBIA@telefonica.net

Hemos tenido una  
experiencia fantástica  
en Hyderabad. Todo  
ha funcionado a la  
perfección. Además,  
hemos paseado por la  
ciudad y nos ha  
encantado. Es  
IMPRESIONANTE.  
¡GRACIAS NALSAR!

11/Sept/97

MARV. BLASA  
RUL y ANA VINUESA  
SAN ISIDRO - Bs. As.  
ARGENTINO

#1850.

MARV. BLASA experiencia.  
Gente alegre y sensible  
Una amabilidad muy  
agradable y una gran  
generosidad de la  
Universidad NALSAR que  
han hecho q' la detección  
del IDI haya sido un  
gran éxito!!!

M.L. Gracias por todas  
las atenciones recibidas

Paul King  
Ana Vinuesa



12/09/2017

Dee Ann & Lucius Cafiloch  
1, route de la Dôle  
1276 Gingins Switzerland

#1807

We had and are going to have a wonderful experience in India and its people, as well as its academic world. We are most grateful to the University, its administrators and the organisers of the session. Special mention: Anita Singh!

Dee Ann

13/09

Dear Nalae, dear Mr Reddy, Anita, Rakshmi (I hope I am writing your name correctly), and the rest of the team,  
Thanks a million for the great support and organization that you provided us with. Without you, the session of the Institut could not have been so great and successful. I enjoyed all the care and hospitality that you gave us and I think we could not have been more welcome ~~to~~ with all the attention received from the entire team. I appreciated every minute of it and I hope to see you all soon again, either in Hyderabad or in Geneva.

Wishing you all the best,

Iris

## Editorial Board



### **Prof. V Balakista Reddy**

Coordinator, IDI Conference,  
Professor of International Law & Registrar,  
NALSAR University of Law Hyderabad  
Email: registrar@nalsar.ac.in

Mr. Reddy also heads the Centre for Aerospace and Defence Laws and Centre for Tribal and Land Rights at NALSAR. Dr. Reddy obtained his LL.M in International Law from Osmania University and M. Phil. and Ph.D. in International Air and Space Law from Jawaharlal Nehru University (JNU), New Delhi. He has more than 18 years of teaching and research experience. **Recently, Dr. Reddy was awarded the Meritorious State Teachers Award-2017 by the**

**Higher Education Department, Government of Telangana.**

An internationally recognized expert in Air and Space Law, Dr. Reddy presented papers at numerous prestigious national and international forums including the United Nations. He has also been a member of the Drafting Committee constituted by ISRO for Drafting of Model Space Legislation for India and Sensitization Programme on WTO/GATS and Globalization of Legal Profession: Opportunities and Challenges for Indian Legal Fraternity.

As the Head, Centre for Aerospace and Defence Laws (CADL), Dr. Reddy has pioneered innovative courses in aviation, space and defence laws, namely Master's and a Post-Graduate Diploma in Aviation Law and Air Transport Management, Master's in Defence and Security Laws and Master's in Space and Telecommunication Laws. As the Head, Centre for Tribal and Land Rights (CTLR), Dr. Reddy has been instrumental in bringing many legislation drafting projects assigned by the Central and State Governments to NALSAR. To name a few, he has headed the Projects on Revisiting and Redrafting of Land Laws, Drafting of Rules and subsequently the principal legislation on Agricultural Marketing Produce, Drafting of Rules for the Juvenile Justice Act for the State of Telangana and Right to Land Acquisition (Resettlement and Rehabilitation) Bill and Right of Youth to Skill Development for the State of Andhra Pradesh.

A prolific writer, Dr. Reddy has contributed extensively to various national and international journals on different facets of International law. His books on (1) **Air Law and Policy in India** (1994) (2) **Recent Trends in International Space Law and Policy** (1997) and (3) **Emerging Trends in Air and Space Law**, (2007) (4) **Space Law and Contemporary Issues** (2012) have won international acclaim. He is also Visiting Faculty to the national and international universities.

### **Ms. Anita Singh**

Assistant Co-ordinator, IDI Conference  
Research Associate,  
Centre for Air & Space Law,  
NALSAR University of Law  
Email : anitasingh.ils@gmail.com

Ms. Anita Singh is Research Associate at NALSAR and works for the Centre for Air and Space Laws. She is also a Ph.D. Candidate and pursuing her doctoral research on the interface between outer space and defence laws. She has completed her LL.M. in International Laws from WB NUJS. This semester, she is offering an elective course on International Space Laws. She has also been a researcher for various legislation drafting projects assigned to the University in the past two years.









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