

ILPS E-NEWSLETTER

By International Law and Policy Society, NLUO



सत्ये स्थितो धर्मः



INTERNATIONAL LAW AND POLICY SOCIETY

NATIONAL LAW UNIVERSITY ODISHA

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UK Parliament passes the BREXIT Deal. (January)

The UK Parliament passed the government's BREXIT Withdrawal Agreement namely European Union (Withdrawal Agreement) Act, 2020. Member of the House of Commons ratified the Bill by 330 votes to 231, however, the Labour Party protested against the bill and called it a "heartless move" for overlooking the child refugee protection rights into the Brexit agreement. The Agreement was ratified by the Council of European Union following the consent of the European Parliament and the Agreement will come into force from 11 p.m. GMT on 31 January 2020 marking the exit of the UK from the Union as per its Article 185.

The legislation primarily addresses initial issues over the separation — such as EU citizens' rights and Britain's financial settlement. It also sets out an 11-month transition period to agree on a wider partnership with the remaining 27 nations. The UK BREXIT secretary Steve Barclay commented - "This bill will secure our departure from the European Union with a deal that gives certainty to businesses, protects the rights of our citizens and ensures that we regain control of our money, our borders, our laws, and our trade policy". The transition period starting on 01 February is set to expire at the end of December 2020. Any agreement on the future EU-UK relationship will have to be fully concluded before that point if it is to come into force on 1 January 2021. Unless the UK asks for an extension beyond 2020, trade relations from the start of 2021 will either be governed by whatever agreement can be reached, or World Trade Organization rules.

Further Readings

- <https://www.parliament.uk/business/news/2020/january/brexit-bill-third-reading/>
- <https://www.theguardian.com/politics/2020/jan/23/boris-johnsons-brexit-bill-becomes-law>
- <https://www.euronews.com/2020/01/23/brexit-finish-line-crossed-as-british-parliament-passes-eu-withdrawal-bill>

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US-Taliban Signs Afghanistan Peace Deal. (February)

The United States of America has turned a page on its longest-ever war by entering into a peace agreement with the Taliban on 29 February 2020 in Doha, Qatar after several rounds of diplomatic and strategic talks with the Taliban. The deal was signed by US special envoy Zalmay Khalilzad and Taliban political chief Mullah Abdul Ghani Baradar with US Secretary of State Mike Pompeo as a witness. The US had invaded Afghanistan weeks after the September 2001 attacks in New York by the Afghanistan-based al-Qaeda group and in this annihilating combat lasting over two decades, more than 2,400 US troops have lost their lives with about 12,000 still stationed in Afghanistan.

As per the deal, within the first 135 days, the US will reduce its forces in Afghanistan to 8,600, with allies also drawing down their forces proportionately. The deal also provides for a prisoner swap. About 5,000 Taliban prisoners and 1,000 Afghan security force prisoners would be exchanged by 10 March 2020, when talks between the Taliban and the Afghan government are due to start. The US will also lift sanctions against the Taliban and work with the UN to lift its separate sanctions against the group in return for assurance from the Taliban that they would not allow Afghan soil to be used by transnational jihadist organizations such as al-Qaeda and the Islamic State. The Taliban also agreed to start direct talks with the Afghan government. The move is a huge International Diplomatic win for the Trump Administration to bring back the US Soldiers home.

Further Readings

- <https://www.nytimes.com/2020/02/29/world/asia/us-taliban-deal.html>
- <https://www.theguardian.com/world/2020/feb/29/us-taliban-sign-peace-agreement-afghanistan-war>
- <https://www.bbc.com/news/world-asia-51689443>

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UN Political Declaration on Women's Rights (March)

The United Nations adopted a political declaration on women's rights during the 64th session of the Commission on the Status of Women (CSW) held in New York, US on March 10, 2020, pledging to step up action to fully implement the landmark Beijing Declaration and Platform for action on gender equality which was agreed 25 years ago and till date is considered as the most progressive blueprint for advancing women's rights. The session had been drastically reduced from a two-week affair to a single hour-long meeting because of the global coronavirus outbreak. The Commission on the Status of Women (CSW) was established in 1946 as a functional commission of the United Nations Economic and Social Council (ECOSOC). It is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women.

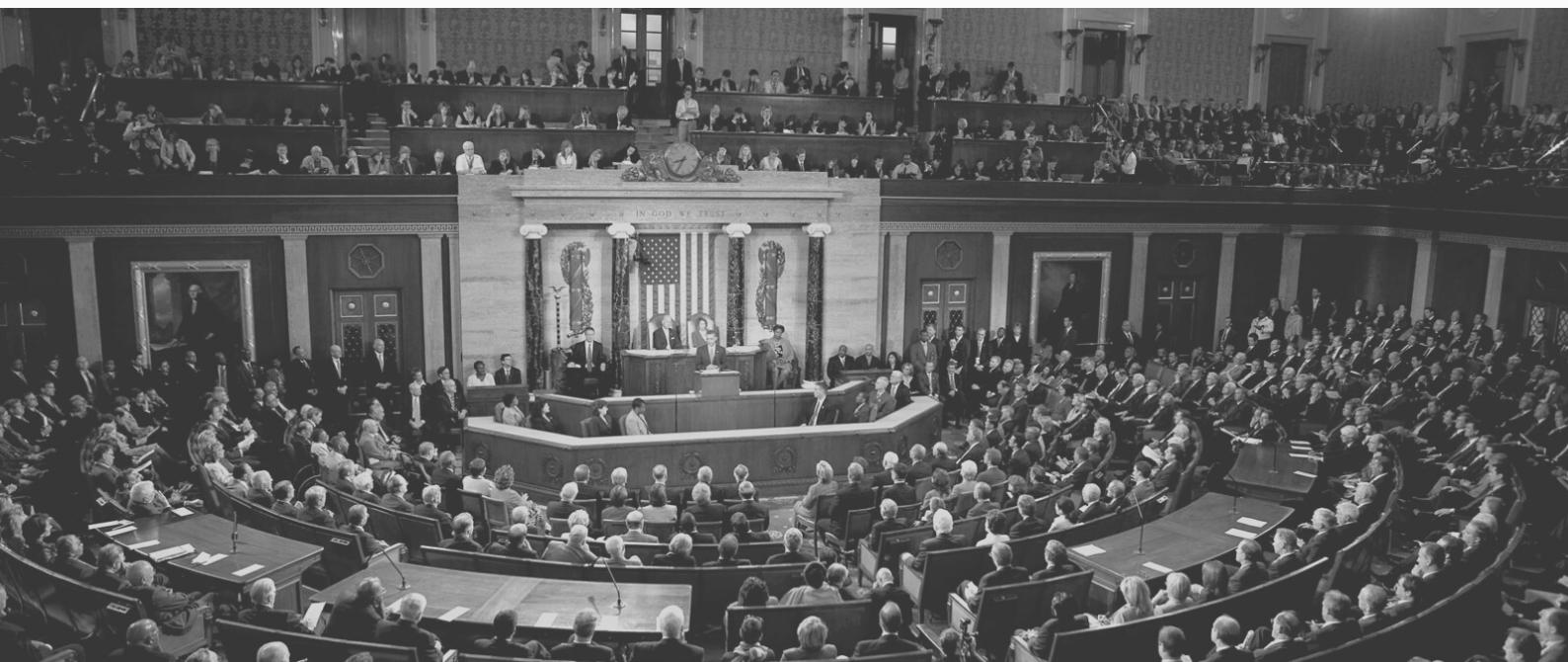
A UN declaration on women is approved every five years expressing the UN's concern that the "overall, progress has not been fast or deep enough, that in some areas progress has been uneven, and that major gaps remain." The resulting declaration takes stock of the status of women and assesses current challenges to gender equality and women's empowerment. It recognizes new challenges alongside long-standing ones, including the right to education, including in science, technology, engineering and mathematics (STEM); women's leadership at all levels of society; access to equal pay and addressing unpaid care and domestic work; disproportionate effects of climate change and natural disasters on women and girls; violence and harmful practices against women and girls, protection in armed conflict, the right to health, and addressing hunger and malnutrition. On ways to address such gaps and challenges, the text identifies eliminating discriminatory laws, ensuring adequate financing to fulfil commitments, breaking down stereotypes in the media, and utilizing gender statistics, among other means.

Further Readings

- <https://www.unwomen.org/en/news/stories/2020/3/press-release-csw64-adopts-political-declaration>
- <http://www.newsoneair.com/Main-News-Details.aspx?id=382703>
- <https://www.passblue.com/2020/02/27/as-the-un-womens-forum-looms-the-us-and-friends-hack-away-at-certain-rights/>

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US House passes Resolution to end Yemen Civil War. (April)

The US Congress gave final approval on a resolution to end American military assistance for Saudi Arabia's war in Yemen, in an unprecedented attempt to curtail the president's power to go to war and a sweeping rebuke to Donald Trump's foreign policy. The resolution passed the House of Representatives in April and the Senate in March, marking it the first time both chambers of Congress had supported a War Powers resolution, which limits the president's ability to send troops into action. Finally, the US Congress has reclaimed its constitutional authority over matters of war and peace. The vote was 247 to 175, with one member voting "present," and fell largely along party lines. It reflected the division between Democrats and Republicans over how to address Saudi Arabia's efforts to defeat Yemen's Houthi rebels, who are backed by Iran, and their inability to find consensus on confronting Trump's embrace of Saudi leaders after the killing of Saudi journalist Jamal Khashoggi.

It was opposed by several of the president's top advisers, including Secretary of State Mike Pompeo and the national security adviser, John R. Bolton, according to people who spoke with White House officials. "This resolution is an unnecessary, dangerous attempt to weaken my constitutional authorities, endangering the lives of American citizens and brave service members, both today and in the future," Mr. Trump said in his veto message. Backers of the measure said the Saudi-led bombing campaign in Yemen had made the humanitarian crisis worse, harshly criticizing Riyadh for killing civilians. They also argued that U.S. involvement in Yemen violated the constitutional requirement that Congress, not the president, should determine when the country goes to war. "We have helped create, and worsen, the world's largest humanitarian crisis," said the California congresswoman, Barbara Lee, a Democrat, during the debate. "Our involvement in this war, quite frankly, is shameful", she added.

Further Readings

- <https://www.bbc.com/news/world-us-canada-47814423>
- https://www.washingtonpost.com/world/national-security/house-passes-resolution-ending-participation-in-yemens-war-setting-up-trumps-second-veto/2019/04/04/9225dad0-56e2-11e9-8ef3-fbd41a2ce4d5_story.html
- <https://www.defensenews.com/congress/2019/04/04/house-votes-to-end-support-for-yemen-war-sending-bill-to-trumps-desk/>

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INDIA - NEPAL BORDER DISPUTE



India Nepal border issue (May)

India and Nepal share an 1880 km long border called the India-Nepal border. The root of the border dispute between the two countries is a 338 square kilometre strip located in the trijunction between India, Nepal, and China. The dispute is with regards to three areas in this trijunction – Kalapani, Lipulekh, and Limpiyadhura pass. As a result of the war between the British East India Company and Nepal, the borders of Nepal were defined based on rivers by the treaty of Sugauli in 1816. It was decided that River Kali on the western side, and River Mechi on the eastern side, will mark the Nepal borders. In cases where a river is used to define boundaries, the origin of the river is of utmost importance. The disagreement between India and Nepal is mainly regarding the origin or the source of the river. The dispute did not arise until 1990 when Nepal shifted to democracy from monarchy. It was only after this that the newly elected government started to raise objections regarding the border with India.

Last year in November, India published a new map of the border regions, after the abrogation of Article 370 in Kashmir. This new map showed some of the territories disputed with Nepal within the boundaries of India. In May this year, India inaugurated the Dharchula-Lipulekh pass link road cutting across the disputed Kalapani region. Nepal protested the move and accused India of changing the status quo in the disputed territory without diplomatic consultations. As a retaliatory move, the Nepal parliament approved a new political map of Nepal which shows the three disputed regions as Nepal's territory. This led to the escalation of tensions between the two countries. Kalapani due to its strategic location is the biggest reason behind the dispute, with each country claiming it to be a part of its territory. India claims that Kalapani is a part of the Pithoragarh district of Uttarakhand, while Nepal claims it is a part of its Dharchula district.

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- <https://www.thehindu.com/news/national/why-are-india-and-nepal-fighting-over-kalapani/article31660401.ece>
- <https://www.bbc.com/news/world-asia-52967452>
- <https://theguardian.com/india-nepal-border-controversy-the-way-ahead/>
- <https://indianexpress.com/article/research/map-ping-the-history-of-kalapani-dispute-between-india-and-nepal-6423687/>

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Death of George Floyd: Re-birth of Anti-Racism Movement in the U.S. (June)

On June 1, 2020, the autopsy report of George Floyd, an Afro-American man who died in police custody on the 25th day of May 2020, confirmed that his death was caused by asphyxia due to neck and back compression that led to a lack of blood flow of the brain. The said report confirmed that his death was a homicide, which further sparked protests all across Minneapolis aimed against the police department of Minneapolis and the officers involved in the said incident. Moreover, a video was posted to Facebook showing a police official pinning George to the ground by placing his knee on George's neck while George could be heard in the video saying "I can't breathe." The video went viral and caused nationwide protests in the United States of America. However, these Anti-police brutality protests themselves fell a victim to police brutality and drew attention from people all across the globe. Multiple videos and pictures showing incidents of police brutality from such protest areas went viral over the internet. It could be seen in these videos and pictures that the use of force by the police officials was not just limited to the people

taking part in anti-police protests but also against bystanders, medical personnel and journalists. Several organizations working in the field of civil rights filed lawsuits against the police departments of various states of the U.S. claiming that the force which was used against the people involved in anti-police brutality protests by the police officials was unreasonable and not proportional to the amount of threat posed by such protesters. Following such protests, all four officers involved in the killing of George Floyd were charged. Derek Chauvin the most senior officer involved in the incident was charged with second-degree murder. The other three police officers involved in the incident were charged with aiding and abetting second-degree murder and aiding and abetting second-degree manslaughter. Moreover, various states of the United States of America introduced various policy reforms like banning of neck restraints and the use of tear-gas. However, incidents like George Floyd's death show how deeply the problem of racism is embedded into the American society and how the United States of America has underplayed incidents of racism in the name of domestic discourse and civil rights infringement.

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- <https://www.bbc.com/news/world-us-canada-52951093>
- <https://www.washingtonpost.com/graphics/2020/national/george-floyd-america/systemic-racism/>
- <https://www.newindianexpress.com/magazine/2020/jun/07/george-floyd-do-anti-racist-protests-in-worlds-melting-pot-point-to-an-american-civil-war-in-making-2152238.html>

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Hong Kong National Security Law: A Warning (July)

The Chinese legislature on June 30, 2020, passed a new national security law for Hong Kong and the said law came into effect from the same date. Experts believe that the said law is highly vague and can be interpreted in such a way that anything could be brought under the ambit of the threat to national security under the provisions of the said law. Moreover, the provisions of the law were kept undisclosed by the Chinese legislature and were not even revealed to the Hong Kong government until after the said law was enacted. The people of Hong Kong did not take the implementation of the said law very well. The reason behind such dissatisfaction among the people of Hong Kong was the unreasonable and arbitrary provisions of the said law. The new law talks about secession, subversion, terrorism and collusion with foreign or external forces. However, the terms of the said law are highly vague and as enshrined under the provisions of the act even a matter of damage to public transport facilities could be deemed as an act of terrorism.

The new law allows to shift the person accused of committing the above-mentioned crimes to mainland China and be tried under the mainland law, which might endanger the accused's right to a fair trial. Moreover, the provisions of the said law are not just applicable to the people of Hong Kong and mainland China but to people all across the globe. The national security law was met by huge protests from the people of Hong Kong from day one of the same coming into effect. More than 180 people who were protesting against the said law were arrested by the Hong Kong police on the first day of life under the controversial national security law. Moreover, concerns regarding the ambiguity and uncertainty of the provisions of the said law were raised by many international organizations like the United Nations. Many experts claimed that the new law would lead to the end of life in Hong Kong as it used to be before the said law came into place.

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- <https://www.nytimes.com/2020/06/30/world/asia/hong-kong-security-law-explain.html>
- <https://www.hrw.org/news/2020/07/29/china-new-hong-kong-law-roadmap-repression>
- <https://www.theguardian.com/education/2020/oct/12/academics-warn-of-chilling-effect-of-hong-kong-security-law>

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The Abraham Accords Peace Agreement: Diplomatic Relations Between the United Arab Emirates and the State of Israel (August)

On August 13, 2020, the government of Bahrain, the United Arab Emirates and the government of the State of Israel, in a bid to achieve the vision of a peaceful and stable Middle East region agreed to normalize diplomatic relations between the countries. The UAE became the third Arab country, only after Egypt and Jordan to normalize relations with Israel. The said arrangement was reached between the two states with the help of the United States of America. Moreover, in return for the UAE agreeing to normalize ties with the state of Israel, Israel agreed to suspend its plans for annexing parts of the West Bank. The name of the peace agreement is inspired by the belief that the Arab and Jewish peoples are descendants of a common ancestor, Abraham.

Critics believe that the said agreement would go a long distance in making the Middle East a place where the people of all denominations, nationalities and beliefs like Islam, Christianity and Judaism could live together peacefully. Moreover, certain experts claim that the parties have agreed to normalize relations with Israel in order to counter threats from Iran and strengthen their respective economies. The peace agreement faced backlash in all three nations from the respective hotheads of the countries. The said backlash did not have much of an effect on the peace accord and the parties did not waste any time in solidifying the agreement and immediately after entering into the agreement set up logistics such as internet connectivity and direct flights to pave the way for more active economic engagement. Moreover, as per the said agreement, the three countries also agreed to establish embassies in the states party to the peace agreement and work to advance the cause of peace, stability and prosperity throughout the Middle East.

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- <https://www.theatlantic.com/ideas/archive/2020/09/winners-loosers/616364/>
- <https://www.thehindu.com/news/international/israel-uae-and-bahrain-sign-abraham-accord-trump-says-dawn-of-new-middle-east/article32616867.ece>
- https://www.business-standard.com/article/international/abraham-accords-israeli-parliament-approves-uae-peace-deal-in-80-13-vote-120101600115_1.html

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The Nagorno-Karabakh War and the Peace Deal between Armenia and Azerbaijan. (September)

On September 27, 2020, violence broke out between Armenia and Azerbaijan over the Nagorno-Karabakh region. The said region had been a bone of contention between the countries ever since the collapse of the Soviet Union in 1991. It was only in the year 1994 that an all-out war between the two countries came to a full stop and the control of the said region went to the state of Armenia. Furthermore, the Azerbaijan President Aliyev vowed to take back control of the said region and other territories occupied by Armenia. In furtherance to which the Azeri forces with help of Turkey retook control of 40% of the said region. The said conflict between the two countries attracted the attention of the entire world. The two countries initially ignored pressure from the United Nations and countries like the United States of America and Russia to hold negotiations and peace talks.

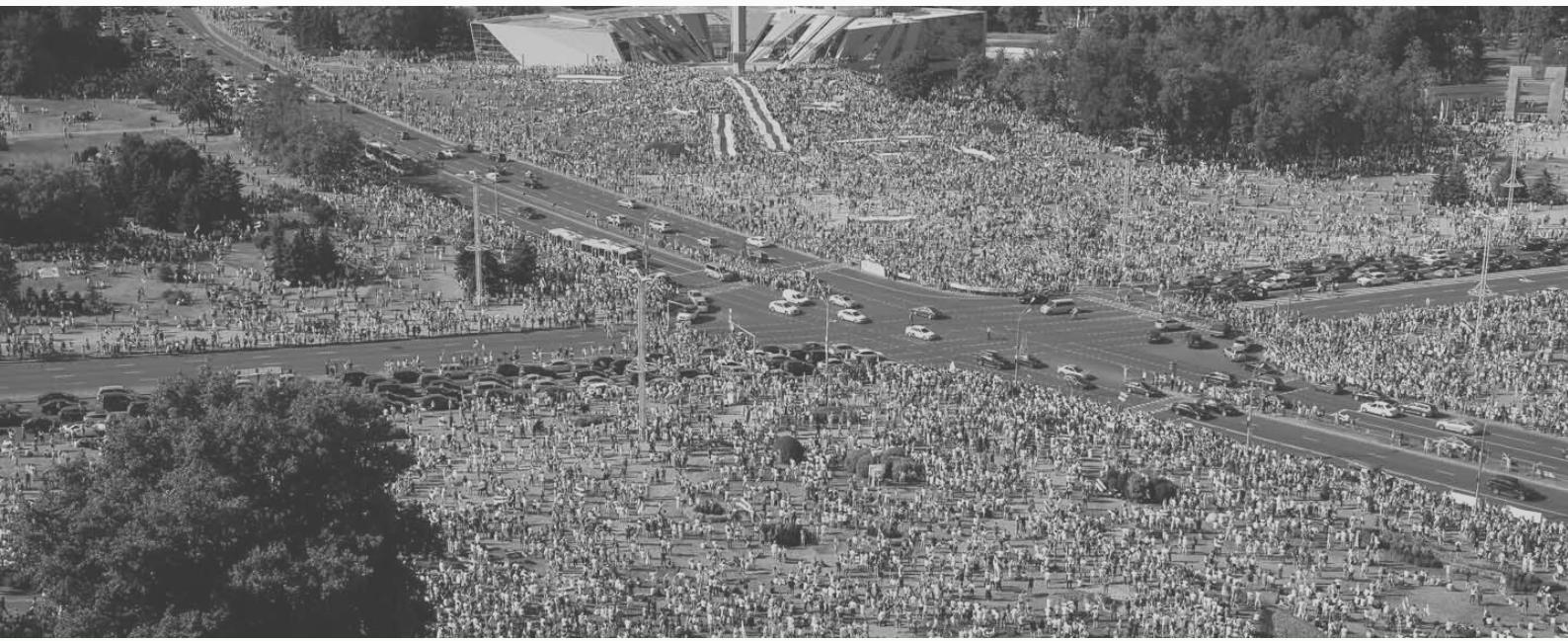
Earlier, France and the United States tried to create peace in the region by negotiating a cease-fire arrangement between the two countries several times but the same did not serve any purpose. However, both the countries later agreed to end the war as per an arrangement brokered by Russia. As per the agreement, Armenia accepted Azerbaijan's victory and agreed to withdraw its troops from the territories acquired by the troops of Azerbaijan in the disputed area. Moreover, as per the agreement, the capital of the Nagorno-Karabakh region would stay under the control of Armenia and Russia would be sending around 2,000 peacekeepers to keep an eye on the troops of the countries and maintain peace in the region. Experts believe that the conflict between the countries regarding the Nagorno-Karabakh region is not over. According to several critics, the uncertain status of the disputed region and the recent shift of balance of power in the favour of Azerbaijan might prove to be a reason for the re-birth of the conflict between the two nations in near future.

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- <https://www.theguardian.com/world/2020/dec/12/armenian-officials-and-azerbaijan-accuse-of-breeching-nagorno-karabakh-peace-deal>
- <https://indianexpress.com/article/explained/explained-what-is-the-new-peace-deal-between-armenia-and-azerbaijan-7046542/>
- <https://www.nytimes.com/2020/12/01/world/europe/nagorno-karabakh-putin-armenia-azerbaijan.html>

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Belarusian Protest 2020 (October)

Belarus is gripped by anti-government protests since the declaration of the Belarusian presidential election in 2020 in which Europe's longest-serving ruler, President Alexander Lukashenko claimed victory. Lukashenko has been the President of Belarus since 1994. Every other election won by Lukashenko after 1994 has been disputed. According to the official results, Lukashenko won around 80% of the votes while the main opposition candidate, Svetlana Tikhanovskaya, who fought the election in place of her arrested husband, won only around 10% votes. The country's opposition, the European Union, and the United States have called the election not free and unfair. Protest and backlash erupted after the declaration of the results. Lukashenko's silent majority – farmers and factory workers, walked off the jobs escalating the situation and creating a "massive movement of people" irrespective of age, class, and political ideology. The COVID-19 pandemic is another factor for the public backlash. Lukashenko has been dismissive of the virus claiming that it will not kill anybody. However, the positive cases and death rate shows a different picture. The pandemic also rendered migrant workers jobless and without income, thus driving anti-Lukashenko sentiment among the people.

The face of the Belarusian protests is three female leaders – Svetlana Tikhanovskaya, Veronika Tsepkalo, and Maria Kolesnikova. In October, at least 100000 people marched through the centre of the Belarusian capital, Minsk, giving what they called a "people's ultimatum" to Alexander Lukashenko to step down. Groups of workers and students are carrying out a nationwide strike which was called by the exiled opposition leader Svetlana Tikhanovskaya. Hundreds of students marched out of several universities chanting slogans, clapping, and linking arms, while the workers downed tools at state-run plants and chanted slogans. Despite the widespread protest, Alexander Lukashenko has ignored the 26th October deadline given by the opposition for him to step down. Meanwhile, the government is cracking down on the protesters and has placed media restrictions. Police have arrested several peacefully protesting people and have used water cannons to disperse them. Many opposition political leaders have either been forced to the country or have been arrested. Svetlana Tikhanovskaya has made several videos urging the international community and the UN for support to force Lukashenko to quit and to help restore democracy in the country.

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- <https://www.theguardian.com/world/2020/oct/25/belarus-peoples-ultimatum-protest-met-with-violent-police-crackdown>
- <https://www.bbc.com/news/world-europe-53799065>
- <https://www.thehindu.com/news/international/nearly-three-months-after-vote-belarus-protests-still-go-strong/article32990734.ece>
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PRESIDENTIAL ELECTION 2020

Presidential elections 2020 in the United States of America (November)

On 3rd November 2020, the United States held its 59th quadrennial presidential election. More than 159 million Americans voted in the 2020 election, making it the largest voter turnout in U.S. history and the first time more than 140 million people voted. Democrat candidate Joe Biden won the election after he defeated former President Donald Trump and became the 46th president of the United States of America. The final tally in the Electoral College was 306 to 232. Biden flipped five states – Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin, to win the Electoral College. He won 51.4% of the votes cast and became the first U.S. president to win more than 80 million votes.

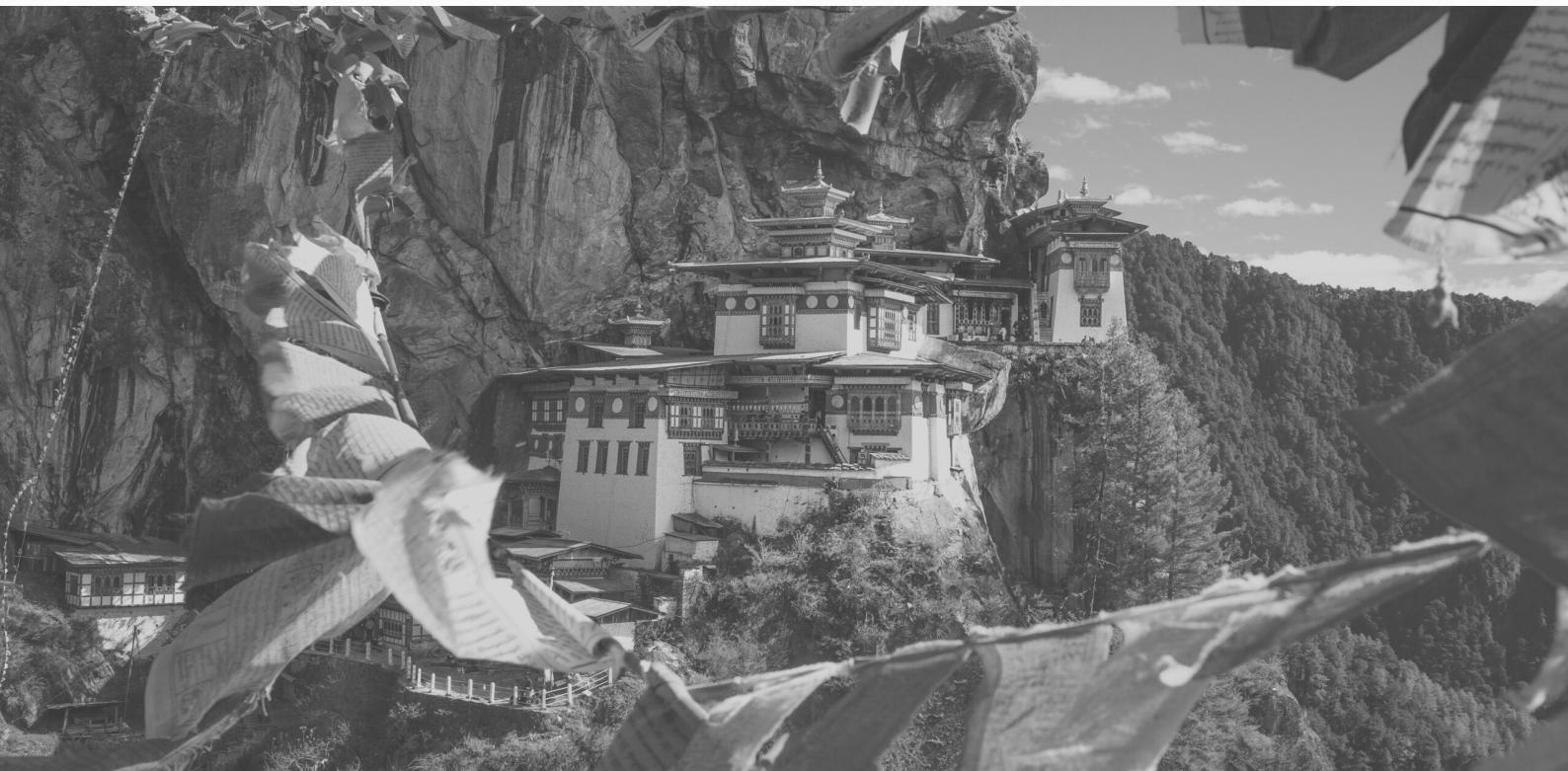
Trump, who won around 74 million votes, is only behind Joe Biden to get the highest number of votes by any presidential candidate in U.S. history. Kamala Harris also made history by becoming the first black woman (also the first woman) to become the vice president of the United States. According to tradition in the U.S., the presidential elections take place on the first Tuesday of November and the inauguration happens roughly 6 weeks later in the Capital, Washington DC. According to the U.S. Constitution, the new term of office begins on 20th January at noon in a ceremony called inauguration where the new president and vice-president take an oath of office. This oath is administered by the chief justice of the U.S. Supreme Court. So the president-elect Joe Biden will take office on 20 January along with vice-president Kamala Harris.

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- <https://www.theguardian.com/us-news/ng-interactive/2020/dec/08/us-election-results-2020-joe-biden-defeats-donald-trump-to-win-presidency>
- https://www.washingtonpost.com/business/energy/a-guide-to-bidens-agenda-when-he-takes-office-in-january/2020/12/15/2f0b27d8-3f17-11eb-b58b-1623f6267960_story.html
- <https://www.thehindu.com/opinion/lead/decoding-bidens-presidency-for-india-and-the-world/article33127591.ece>
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Bhutan decriminalizes homosexuality (December)

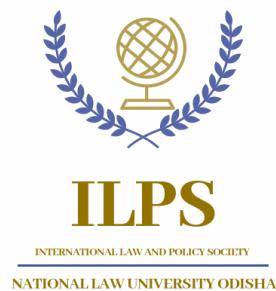
The joint sitting of both the houses of Bhutan's parliament adopted the Penal Code (Amendment) Bill 2019 on 10th December 2020. The bill decriminalises homosexual conduct between two consenting adults. Section 213 of the Penal Code of Bhutan criminalized "unnatural sex" which is defined as any person who "engages in sodomy or any other sexual conduct that is against the order of nature". Though the section does not mention homosexuality, it is widely used to cover homosexual conduct. Section 214 provided punishment extending up to a year for the crime committed under section 213. After the recommendations of the Joint Committee, the parliament of Bhutan explicitly excluded "homosexuality" from the definition of "unnatural sex" under section 213 by adding an exception clause

The provision of "unnatural sex" remains in the Penal Code of Bhutan to punish other acts which are considered against the order of nature, like bestiality. With 63 out of 69 members voting in favour of the amendment, the bill was passed with an absolute majority. However, the changes need to be approved by the King of Bhutan to become a law. In recent years, other Asian governments have also loosened restrictive LGBTIQ+ laws in their countries. In 2018, the Indian Supreme Court unanimously struck down the ban on consensual gay sex and accorded constitutional protection to gay Indians. In 2019, Taiwan became the first Asian country to legalize same-sex marriage. In mid-2020, Thailand's government approved a draft giving same-sex unions many same benefits as heterosexual marriages and allowed the registration of same-sex partnerships.

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- <https://www.nytimes.com/2020/12/12/world/asia/bhutan-decriminalizes-gay.html>
- <https://timesofindia.indiatimes.com/world/south-asia/bhutan-house-approves-bill-decriminalising-homosexuality/articleshow/79672125.cms>
- <https://www.thequint.com/neon/gender/bhutan-passes-historic-bill-to-decriminalise-homosexuality>
- <https://indianexpress.com/article/world/bhutan-decriminalise-same-sex-relation-lgbtqia-bhutan-parliament-7100807/>

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In this era of globalisation, the importance of International Law has increased manifolds. Globalisation challenges many of the traditional assumptions about International law, its relationship to domestic law, the ways in which it is created and the methods of its enforcement. Among other things, the International Law and Policy Society (ILPS) of National Law University Odisha, Cuttack, India will be engaged in cutting edge research and study of the normative and institutional implications of this challenge and of its theoretical and practical ramifications in a variety of fields encompassing the regulation of trade and investments, protection of human rights, international criminal responsibility of individuals, security and environmental governance, etc.

ILPS has been established to provide through research, working papers, publications, seminars, webinars, conferences, projects and engagement, a platform for intellectual dialogue on contemporary issues of international law and foreign policy. The emphasis of this society will be on public international law, international affairs and foreign policies of different countries. The society aims to engage with various stakeholders such as scholars, universities, policymakers, think tanks and intergovernmental organizations.

The society has completed its 1st year and now it's entering its 2nd year. In its first year, ILPS has launched its website and called for blogs, it received over 30 blogs and also conducted a 1-day seminar. This year we looking forward to enthusiastic participation from the students for our upcoming webinars, seminars, blogs submission and competitions.