

ILPS E-NEWSLETTER

SECOND EDITION 2021

By

*International Law and Policy Society,
National Law University Odisha*



ILPS

INTERNATIONAL LAW AND POLICY SOCIETY

NATIONAL LAW UNIVERSITY ODISHA

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



Joe Biden's swearing-in, and USA's restoration of international commitments.

(January)

Joe Biden has been sworn in as the 46th president of the United States, with Kamala Harris assuming the role of Vice President. Soon after they assumed their offices, the Biden administration passed a series of executive orders. This started with the United States re-entering the Paris accord that it was a member of, till 2017. The accord seeks to limit the global average rise in temperature to 2 degrees above the pre industrial times. The Biden administration has also announced that the government is inclined towards rejoining the Joint Comprehensive Plan of Action (JCPOA), that the USA had abruptly left in 2018,

by accepting the proposal to withdraw the economic sanctions put against Iran. In return to this, Iran will have to limit its Nuclear Program. Furthering its interests in the Middle East, the administration has announced the restoration of ties with Palestine, along with the recommencement of financial aid to Palestinian refugees. Richard Mills, the acting US ambassador to the UN, has asserted the country's support for an amicable two state solution between Israel and Palestine. The US government has also extended the New START Treaty with Russia, till 5th Feb 2026, that was set to expire on 5th Feb 2021. This treaty is a nuclear arms reduction treaty between the two largest possessors of nuclear warheads. Antony J. Blinken, Secretary of State, has stated that the US government is also planning to have an arms control treaty with China, which has a growing nuclear arsenal.

Further Readings

- <https://www.bbc.com/news/world-us-canada-55972619>
- <https://www.bbc.com/news/science-environment-35073297>
- <https://www.nytimes.com/2021/01/26/world/middleeast/biden-palestinians-israel.html>
- <https://www.state.gov/on-the-extension-of-the-new-start-treaty-with-the-russian-federation/>

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



The Capitol Hill attacks (January)

On 6th January 2021, the United States Capitol was stormed by rioters, with some of them even carrying arms, on grounds of an alleged election fraud. 5 people died and about 140 law enforcement officers were injured in this upheaval. The siege took place hours after ‘Save America Rally’ held in Ellipse, that is 2 miles away from the Capitol Hills, where Donald Trump incited his supporters to “walk down to the Capitol” as the election was stolen from him. Soon after this, the attendees of the rally started marching towards the Capitol and stormed inside it. Meanwhile in the Capitol building, a joint session of the Congress was taking place to certify the presidential election results.

As soon as the Capitol was attacked, Congress was adjourned and senators took shelter. The rioters vandalized the offices and even looted them. It took four hours for the law enforcement agencies to clear the protests and secure the building. Soon after the attacks a video of Trump in which he told the rioters “We love you, you’re very special” was taken down by YouTube, Instagram, Twitter and Facebook followed by the latter three companies suspending his account. In the political sphere, Democrats and even several Republican lawmakers asked for Trump’s resignation, with some of them even demanding him to be removed by force from the White House. A far-right group, Proud Boys is thought to have planned and coordinated the riots.

Further Readings

- <https://www.washingtonpost.com/nation/interactive/2021/capitol-insurrection-visual-timeline/>
- <https://time.com/5927398/facebook-twitter-trump-suspension-capitol/>

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



Myanmar Coup: An end to a nascent democracy

(February)

On the day when the first session of Parliament was supposed to sit after the landslide win of Aung San Suu Kyi's National League for Democracy, the military performed a coup d'état and detained Suu Kyi and other important members of the Party. Following a persistent military rule from 1962 to 2011, the military again took over, declaring a year-long state of emergency. The military commander-in-chief Min Aung Hlaing, who currently leads the military government, backed his actions stating that the landslide win of the National League of Democracy in its November general election was a result of voter fraud and supported the opposition.

He further promised to conduct a free and fair election and transfer power to the winning Party once the state of emergency ceases. As an immediate consequence of this takeover, the country saw its largest civilian protests, which sought to be thwarted through the imposition of curfews, limitation of gatherings, and the use of force by using water cannons, rubber bullets and ammunition. It is estimated that at least 700 people have been killed following the protests, including bystanders. Several countries such as Australia, Britain, India, United States, Japan, and the European Union condemned the takeover. The United Nations Security Council's attempt to act on this has been blocked by China; which did not condemn the protest owing to the influence it exerts on Myanmar.

Further Readings

- <https://www.bbc.com/news/world-asia-55902070>
- <https://news.un.org/en/story/2021/05/1091692>
- <https://www.nytimes.com/article/myanmar-news-protests-coup.html>

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



Arrest and Sentencing of Alexei Navalny (February)

Alexei Navalny, a popular dissident and the leader of opposition in Russia, was arrested in January upon his return from Berlin to Moscow. He had returned following his recovery in Berlin for an alleged poisoning by the Kremlin. In February, he was sentenced to imprisonment for almost three years over his violation of parole from his suspended sentence for money laundering in 2014 by being airlifted to Berlin for his treatment.

His conviction led to an outbreak of massive, nationwide protests in his favour, leading to the arrest of at least thousands of people. Countries such as the United States, France, Britain and Germany had condemned the sentencing and ordered his immediate release. The European Court of Human Rights, which had ruled that conviction to be unlawful in 2017 and asked Russia to compensate him, called for his freedom with immediate effect. As of June 2021, Navalny's Foundation for Fighting Corruption was labelled as an extremist organisation, alongside ISIL and al-Qaeda, by a Russian court, preventing the people associated with it from holding public office and exposing them to prosecution.

Further Readings

- <https://www.themoscowtimes.com/2021/02/02/as-it-happened-navalny-sentenced-to-2-years-and-8-months-in-penal-colony-a72803>
- <https://www.aljazeera.com/news/2021/2/2/russian-court-jails-alexey-navalny-over-alleged-parole-violations>
- <https://www.bbc.com/news/world-europe-56102257>

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



Women protest against Turkey's withdrawal from the Istanbul convention (March)

On March 26, President Erdogan withdrew from the Istanbul Convention on violence against women. This move led to widespread protests by women in many cities of Turkey. Slogans such as “Istanbul Convention saves lives” and “We don’t accept one man’s decision” were raised during the protests. Many women’s rights activists and lawyers insisted that Erdogan was not legally empowered to pull out from an international convention that has been ratified by the Parliament. The protestors demanded the reversal of the decision to withdraw from a convention that Turkey had once hailed.

Turkey’s allies have also denounced the decision and said that it is an unwarranted and baffling decision risking the lives of women in Turkey. The convention came into effect in 2014 and is a legally binding European Council treaty covering 34 European countries. It is named after the city in Turkey in which it was drafted in 2011. Turkey was one of the first signatories to the convention. Opponents of the convention have claimed that the convention encourages divorce. They feel it is a threat to traditional family values. The convention mandates the signatories to protect against discrimination irrespective of sexual orientation or gender identity. Therefore the opponents of the convention fear that this may lead to gay marriages. The government has said that Turkey’s internal laws will protect women against violence and they do not need an international convention for this.

Further Readings

- <https://www.bbc.com/news/world-europe-56516462>
- <https://www.coe.int/en/web/commissioner/-/turkey-s-announced-withdrawal-from-the-istanbul-convention-endangers-women-s-rights>
- <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26936&LangID=E>
- <https://www.theguardian.com/world/2021/mar/20/turkey-pulls-out-of-international-agreement-designed-to-protect-women>

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



Myanmar protests: ‘day of shame’ for the armed forces

(March)

The people in Myanmar have been protesting against the military coup in February that has derailed Myanmar’s transition to democracy. March 27 witnessed one of the bloodiest day in the anti-coup protests. More than 100 people throughout the country were killed by the Security Forces as the military celebrated Armed Forces Day holiday in Myanmar’s capital, Naypyitaw. The protestors came out on the streets of Yangon, Mandalay and other towns, defying the military warning that they could be shot “in the head and back” and were met with brutal force. Among those who were killed were unarmed citizens and several children under 16. The casualties also included a five-year-old boy. The killings took the toll of the protests to over 400 since February.

Dr. Sasa, the spokesperson for Committee Representing Pyidaungsu Hluttaw (CRPH), an anti-junta group set up by deposed lawmakers, said, “Today is a day of shame for the armed forces”. The crackdown on the protestors and the bloodshed by the military also drew strong international condemnation. The diplomats and ambassadors of various countries strongly condemned the bloodshed, calling it horrifying and a disgrace to the military. The junta has justified its use of force by calling the protests as rioting.

Myanmar has been in turmoil since February when the military overthrew and detained civilian leader Aung San Suu Kyi which triggered demonstrations and protests demanding restoration of democracy. Security forces have increasingly cracked down on the protestors by using tear gas, rubber bullets, etc. The day after the deadliest crackdown, the protestors returned to the streets in Myanmar pressing their demand to restore democracy in Myanmar.

Further Readings

- <https://www.theguardian.com/world/2021/mar/27/myanmar-military-protesters-shot-armed-forces-day>
- <https://www.nytimes.com/2021/03/27/world/asia/myanmar-protests.html>
- <https://www.deccanherald.com/international/dozens-gunned-down-in-day-of-shame-for-myanmar-967368.html>

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



Italy ratified Protocol 15 ECHR Triggering its entry into force cross all Council Of Europe (April)

Italy ratified Protocol 15 to the European Convention on Human Rights. Its ratification triggers the entry into force of the Protocol in all Council of Europe member states from August 1, 2021. The Protocol adds to and amends the Convention in several ways. Primarily it adds a new recital to the Convention's Preamble, affirming the principle of subsidiarity and the margin of appreciation doctrine. It also introduces a new paragraph 2 in Article 21 (Criteria for office), stating that candidates for the Court must be less than 65 years old at the time the list of candidates is requested by the Parliamentary Assembly. Article 3 of the Protocol eliminates a party's power to object to a Chamber's relinquishment of jurisdiction to the Grand Chamber, under Article 30.

About case admissibility criteria in Article 35, the Protocol reduces from six to four months the period which must pass after a final decision has been taken at the domestic level before the Court can take a case. The Protocol also alters Article 35(3)(b) so that the Court can declare an application inadmissible if the applicant "has not suffered a significant disadvantage," regardless of whether a domestic authority has considered the case. Protocol 15 is seen as part of the reform of the Court. Reform, however, means changing things for good. A question remains who benefits from these changes. While the Court's efficacy may be enhanced through the new institutional and procedural changes brought by the new protocol, and States may feel more ensured with the new reference to subsidiarity and margin of appreciation, one may argue that victims of human rights violations are the least direct beneficiaries of this change taking into account that, among others, it further limits their time to lodge a complaint before the Court.

Further Readings

- https://www.echr.coe.int/Documents/Protocol_15_explanatory_report_ENG.pdf
- https://www.echr.coe.int/Documents/2013_Protocol_15_Court_Opinion_ENG.pdf
- <https://www.coe.int/en/web/human-rights-rule-of-law/-/italie-ratified-the-protocol-no-15-amending-the-convention-for-the-protection-of-human-rights-and-fundamental-freedoms>
- https://www.echr.coe.int/documents/convention_eng.pdf

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.



ICC Upholds Ntaganda's Conviction and Sentencing (April)

International Criminal Court (ICC) Appeals Chamber upheld the conviction and sentencing of Bosco Ntaganda. Ntaganda was convicted on July 8, 2019, of 18 counts of war crimes and crimes against humanity for actions carried out in 2002-03 in the Democratic Republic of the Congo. He was then sentenced to 30 years' imprisonment, the longest sentence term to be imposed by the ICC. In 2021 The Appeals Chamber rejected all of Ntaganda's arguments, including that his right to a fair trial had been violated, that the Trial Chamber "exceeded the facts," and that he did not meet the requisite thresholds for knowledge and intent concerning "rape and sexual enslavement" of children under 15, as well as conscription of children under 15.

Specifically, in relation to the sentence imposed, the Trial Chamber rejected attempts to mitigate the circumstances through a showing of Ntaganda's own suffering as a result of his experience during the Rwandan genocide, which the Appeals Chamber felt did not diminish his guilt. Separate opinions were filed by four judges, as well as a partly concurring opinion filed by Judge Chile Eboe-Osuji.

The ICC's confirmation of the landmark conviction of Ntaganda is an important milestone for international justice and provides a measure of accountability for communities in and around Ituri, DRC, which have waited nearly two decades to see Ntaganda finally brought to justice. The decision also marks a significant step forward for the prosecution of rape in war.

Further Readings

- <https://www.icc-cpi.int/Pages/item.aspx?name=pr1582>
- <https://www.icc-cpi.int/itemsDocuments/2021-03-30-ntaganda-judgment-summary-eng.pdf>

ILPS E-NEWSLETTER

Newsletter by International Law and Policy Society, National Law University Odisha.

Policy Digest: The Vaccine diplomacy and Foreign Aid

The world has been dealing with a pandemic in the form of Novel Coronavirus for almost two years now. It is no news that India is one of the worst-hit countries by the said pandemic. The second wave of the pandemic began in the early months of 2021. Experts believe that the lack of a highly activate vaccination drive and lack of precautionary measures were some of the few reasons which led to the spike in the number of positive cases of COVID-19 across India. While all of this was happening inside the country the Indian government was still sending COVID-19 vaccines to different nations across the globe.

The government of India has decided to supply 10 million doses of the vaccine to Africa and 1 million to UN health workers India under the COVID-19 Vaccines Global Access (COVAX) facility of the Global Alliance for Vaccines and Immunizations (GAVI). Among the individual countries, Bangladesh is the largest beneficiary having received 7 million doses of “Covishield” vaccine, of which 2 million doses are in the form of grant, while Nepal has received 1 million. Bhutan and Maldives have received 150,000 doses and 100,000 doses respectively, while Sri Lanka and Afghanistan have both received 500,000 doses. Other than its South Asian neighbors, Government of India has supplied 1.5 million doses of “Covaxin” vaccine to Myanmar. Mauritius and Seychelles have been sent 100,000 doses and 50,000 doses of “Covishield,” respectively. Several other countries, including Bahrain, Barbados, Dominica, Oman, are also part of India’s “vaccine assistance” program.

This move of the government was termed as ‘Vaccine Diplomacy’ and the scholars are divided to this date whether the said move was a good one or not. Many questioned the said decision of the government to provide vaccines to other nations while its own citizens were facing troubles back home in getting vaccinated due to various issues like shortage of doses of vaccines. The government has maintained a uniform stand in regard and has on multiple occasions that the said move is in alignment with the global image of India as the “Pharmacy of the World’.

The government believes that the said move will support its demand of freeing COVID-19 vaccines, medicines and other medical products from the encumbrances of various global IPRs, making the said products cheap and affordable. Furthermore, some experts believe that this move of the Indian government would break the trend of ‘Vaccine Nationalism’. Vaccine Nationalism is a practice that is being followed by countries like the United States of America wherein they have been following a strict policy of not exporting any COVID-19 vaccines or related products to other countries and have been prioritising the interests of their citizens first. At present, only a few countries like India, the USA and the UK have been able to come up with a formula to develop COVID-19 vaccines. Because of the same the supply of such vaccines all over the world at present is being controlled by the likes of the aforementioned countries.

If all these countries decide to prioritise their nation's interests over the interests of the other countries, then the world would take a much longer time to get rid of the pandemic than it should have. Hence, amidst such a scenario where the other countries are busy avoiding SOS calls from the poor and under-developed nations India has taken a step forward to help these countries by providing them with COVID-19 vaccines and related products. Furthermore, it is expected that such a move would result in improved international relations for India.

However, there are some experts who think that this vaccine diplomacy will come at a cost to vulnerable Indians. People are worried that the said move is not in alignment with the interests of Indians and the government should instead fasten up the vaccination process in the country. The government on the other hand has continuously set aside such concerns and has ensured on multiple occasions that there would be no vaccine shortage in the country due to the government's move of sending vaccines to other countries. Moreover, it would be too soon to write off Indian vaccine diplomacy as a successful or unsuccessful event as the world is still fighting with the pandemic and one can only be hopeful of the positive implications of this move.

When the devastating second wave of the COVID-19 grappled India, the healthcare infrastructure of the whole country was overburdened and collapsing. The Delta variant of the virus didn't give any time to the government and the healthcare sector to prepare for the looming catastrophe. The government soon realised that if not for the international foreign aid, the country's healthcare system would come to a halt. In this major shift in policy in 16 years, India started accepting gifts, donations and aid from foreign nations as the country reels under a massive shortage of oxygen, drugs and related equipment amid a surge in Covid cases. The government came up with a twofold approach that signalled this shift, firstly, India now has "no conceptual problem" in procuring oxygen-related equipment and life-saving medicines from foreign countries even including China, secondly, state governments are also free to procure these life-saving devices and medicines from foreign agencies, and the Central government will not come in the way.

Before the UPA government came to power under the leadership of Dr. Manmohan Singh, India had accepted aid from foreign governments — Uttarkashi earthquake (1991), Latur earthquake (1993), Gujarat earthquake (2001), Bengal cyclone (2002) and Bihar floods (July 2004). However, 16 years ago, New Delhi altered its stance and laying stress on self-reliance and its own emerging-power image decided to not accept aid from foreign sources. The government clarified that, this is an "unprecedented situation" and for now it is making this an exception and not standing on ceremony.

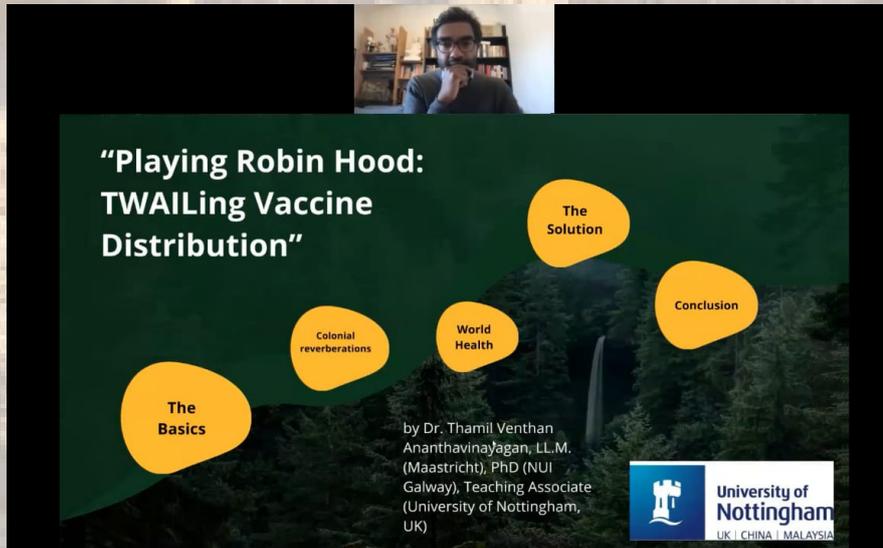
Diplomatic relations are very complicated and are often undertaken with long-term objectives. However, in this case, the gesture of help in form of vaccine diplomacy by India is widely accepted and reciprocated by the world at large which is considered the root cause behind an overwhelming foreign aid for India in difficult times. The experts seem to believe that the vaccine diplomacy of New Delhi have helped India to give a fresh thrust to its international relations and foster the global support as a quid pro quo but the actual impact of all these events is to be seen over the coming years.

Further Readings

- <https://thediomat.com/2021/05/dont-write-off-indian-vaccine-diplomacy-yet/>
- <https://www.globalpolicyjournal.com/blog/08/04/2021/indias-vaccine-diplomacy>
- <https://www.outlookindia.com/website/story/india-accepts-foreign-aid-after-a-show-of-generosity/381591>
- <https://www.moneycontrol.com/news/opinion/covid-19-and-foreign-policy-india-must-review-its-policy-of-accepting-foreign-aid-6866561.html>
- <https://indianexpress.com/article/india/first-policy-shift-in-16-yrs-india-open-to-foreign-aid-ok-to-buying-from-china-7293052/>

Activities of International Law and Policy Society

WEBINAR ON "PLAYING ROBIN HOOD: TWAILING VACCINE DISTRIBUTION" SPEAKER: DR. THAMIL VENTHAN ANANTHAVINAYAGAN



The slide features a speaker video in the top center. Below it is a green background with a white mountain silhouette. Five yellow circles are arranged around the mountain, containing the following text: "The Basics", "Colonial reverberations", "World Health", "The Solution", and "Conclusion". At the bottom of the slide, the speaker's name and affiliation are listed: "by Dr. Thamil Venthan Ananthavinayagan, LL.M. (Maastricht), PhD (NUI Galway), Teaching Associate (University of Nottingham, UK)". The University of Nottingham logo and name are also present in the bottom right corner.

WEBINAR ON "MOST FAVORED NATIONS CLAUSE IN BILATERAL INVESTMENT TREATIES" SPEAKER: MS. POORVI SATIJA



A grid of four video feeds. The top-left feed shows Ms. Poorvi Satija. The top-right feed shows Vedant Sharma. The bottom-left feed shows Shantanu Dhingra. The bottom-right feed shows Richik Chowdhury. The top-middle and bottom-middle feeds are greyed out and contain the letters "NW", "SD", and "RC" respectively.

WEBINAR ON "US ELECTIONS 2020: IMPLICATIONS FOR THE RUSSIA- CHINA-INDIA STRATEGIC TRIANGLE" SPEAKER: DR. RICHARD WEITZ

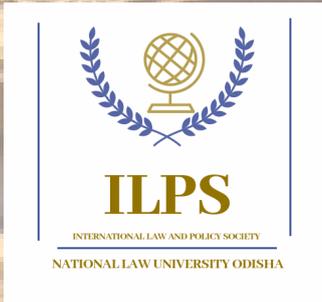


A grid of four video feeds. The top-left feed shows Rohan Zaveri. The top-right feed is greyed out and contains the letters "NW". The bottom-left feed shows Dr. Richard Weitz. The bottom-right feed shows suvrashree suvrashree.

About International Law and Policy Society



सत्ये स्थितो धर्मः



ILPS TEAM

Faculty Advisor

Dr. Suvrashree Panda

Newsletter Board

Aniruddh Saraswat

Juhi Choudhary

Sri Aditya Kumar

Vedant Sharma

Tayi Naimisha

Parth Singh

Other Members

Richik Chowdhury

Rohan Zaveri

Sneha Rath

Piyush Sinha

Shantanu Dhingra

Karshana Agarwal

CONTACT US

Email ID:

ilps@nluo.ac.in

ILPS Blog:

www.ilpsnluo.com

LinkedIn:

International Law and Policy
Society (ILPS) NLUO

Instagram:

@ilpsnluo

Twitter:

@ILPSNLUO

In this era of globalisation, the importance of International Law has increased manifold. 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.