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ILPS

INTERNATIONAL LAW AND POLICY SOCIETY

NATIONAL LAW UNIVERSITY ODISHA

E - NEWSLETTER

INTERNATIONAL LAW AND POLICY SOCIETY

MONTHLY EDITION : SEPTEMBER

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FOREWORD

Dear reader,

Welcome to the monthly edition of the International Law and Policy Society's Newsletter-by the students, for the students. This project has been months in the making, and we're excited to finally unveil it to you. This Newsletter's significance lies in its power to be a platform for effective news reporting in the shape of articles, interviews and much more. More importantly, it aims to establish itself as an outlet that encourages the student community to start questioning and wondering about the legal and social implications of the developments that are happening at the International level.

Furthermore, this inaugural issue features a collection of the most thoughtful and engrossing student-produced writings. Moreover, via our newsletter ILPS tries to carve out a space for students to explore topics outside of the classroom, enabling them to learn about the practical and day to day intricacies of the letter and spirit of the law, get inspired and raise awareness.

We are grateful to have been given the opportunity to produce this publication and would like to thank everyone who played a role in making this vision come to life: the contributors, the small team of members of the International Law and Policy Society who helped bring it alltogether, the ever-supportive faculties and administration and you, the reader.

We're looking forward to seeing this newsletter grow and be carried forward with an even greater amount of enthusiasm in the time to come. I hope you enjoy this edition of our newsletter.

Aniruddh Saraswat

Convenor, International Law and Policy Society

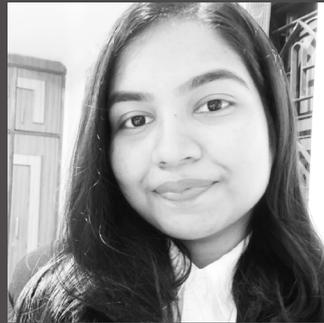
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MONTHLY UPDATES

- China opens first road-rail transport link to Indian Ocean
- Vaccine pioneer wins Ramon Magsaysay Award
- Beijing rolls out new data law
- China: ball in U.S. court for climate cooperation
- President Biden declassifies secret files on 9/11 attacks
- US Authorises Pfizer's Covid Booster For Elderly And High-Risk Adults
- Boeing to make military drones in Australia
- 28% of 138,000 assessed species face extinction
- Fumio Kishida: Japan's new prime minister takes office
- North Korea says it fired new 'hypersonic missile
- Japan and Vietnam sign defence deal
- El Salvador becomes 1st country to adopt Bitcoin as a legal tender
- Mexico's SC votes to decriminalize abortion
- Myanmar's leaders agreed to ASEAN call for ceasefire
- China trying to seize island in disputes in South China Sea
- Israeli firm unveils armed robots to patrol borders
- Switzerland approved same sex marriage
- US plans projects in South America to counter China's Belt and Road Initiative
- Google in court to appeal 2018 antitrust case (Google under EU antitrust lens over voice assistant)
- China cracks down on cryptocurrency, bans all transactions

China opens first road-rail transport link to Indian Ocean

The China-Myanmar New Passage is China's first road-rail transport route to the Indian Ocean. The route is "the first to link western China with the Indian Ocean". The transportation corridor includes a sea-road-rail link from Myanmar's border to Chengdu, China's important commercial hub in western China, giving China a new road-rail connection to the Indian Ocean. This tunnel connects Singapore's, Myanmar's, and China's logistical networks. The railway line currently terminates in Lincang, China, directly across from the Myanmar border town of Chin Shwe Haw. Under the Belt and Road Initiative, Chin Shwe Haw is being developed as a "border economic cooperation zone." China is also planning to build a new port at Kyaukphyu, Rakhine state, with a projected railway line connecting Yunnan directly to the port. Chinese planners have also looked at the Gwadar port in Pakistan as a potential alternative to the Malacca Straits.



Vaccine pioneer wins Ramon Magsaysay Award

Dr. Firdausi Qadri, a Bangladeshi vaccine scientist, Filipino fisherman Roberto Ballon, and humanitarian worker Steven Muncy were amongst the five winners of the Ramon Magsaysay Awards 2021. The Ramon Magsaysay Award, popularly called as Asia's Nobel Prize, is an annual honor. Last year's award was rescinded because to the COVID-19 epidemic. With COVID-19 nearly paralyzing the world, the Manila-based foundation issued a statement saying it had no choice but to cancel the 2020 awards. The Ramon Magsaysay Awards will be given out in 2021 to five individuals who have made selfless and outstanding contributions to the eradication of poverty and the development of Asian society. On November 28th, the awards will be presented. In 1957, the Ramon Magsaysay Award was founded as a prestigious award in honour of the Philippines' third president, Ramon Magsaysay. Every year, the award is given to people and organizations throughout Asia who have impacted lives and societies through selfless dedication.

Beijing rolls out new data law

China has implemented a new Data Security Law to better regulate the country's burgeoning internet sector. It aims to tighten the reins on China's tech big players and what they do with data from their tens of millions of customers. Authorities are concerned that domestic data will wind up in foreign countries as Chinese internet businesses expand worldwide. The law establishes the obligations of all corporations and organisations that handle data. Its reach is extensive, encompassing data kept and processed both in and beyond China that could jeopardise China's national security. The law also gives Beijing the authority to react against any foreign government that takes "discriminatory" data-related measures against China. In addition, the country recently implemented a personal information protection law aimed at limiting firms' ability to gather user data



China: ball in U.S. court for climate cooperation

China has challenged the US to normalize relations with Beijing in order to make progress on climate change, according to the Foreign Ministry, as Washington's climate adviser visits China to encourage Beijing to control pollution. Tensions between China and the United States have risen in recent times, with the two countries trading barbs over Beijing's human rights situation and its handling of the coronavirus at the outset. Climate change is one of the few subjects on which the two parties have reached an agreement. However, Beijing has recently underlined that deteriorating Sino-US relations might harm environmental engagement. The Chinese Minister said "the ball is now in the U.S.' court, and the U.S. should stop seeing China as a threat and opponent."

President Biden declassifies secret files on 9/11 attacks

President Joe Biden took on the responsibility last week of ordering the Justice Department and other departments to release new segments of their long-secret files on the al-Qaida plot, as families of 9/11 victims threatened to take to the streets his appearance at events memorialising the 20th anniversary of the attacks. The president's executive order, signed on Sept. 3, appears to have averted the possibility of being picketed on the eve of 9/11 memorial events, just days after the complete, dramatic withdrawal of US forces from Afghanistan. What remains to be seen is whether the declassification of FBI papers would clear up the remaining ambiguities in the case or give proof to back up the families' assertions in a federal lawsuit that Saudi Arabia is responsible for the assaults. The relatives' years-long battle against Justice Department secrecy has recently focused on a list of 45 FBI papers that the government has deemed as pertinent to the families' federal district court lawsuit in New York.



US Authorises Pfizer's Covid Booster For Elderly And High-Risk Adults

The United States recently authorized the use of boosters of Pfizer's Covid-19 vaccine for people aged over 65, as well as adults at high risk of severe disease and those in high-exposure jobs. The announcement means a significant part of the population amounting to tens of millions of Americans are now eligible for a third shot six months after their second. The U.S. Food and Drug Administration amended the emergency use authorization (EUA) for the Pfizer-BioNTech COVID-19 Vaccine to allow for use of a single booster dose, to be administered at least six months after completion of the primary series. The ruling represents a drastically scaled back version of the Biden administration's sweeping plan to give third doses to nearly all American adults to shore up their protection amid the spread of the highly contagious delta variant.

Boeing to make military drones in Australia

The Chicago-based aerospace giant Boeing has announced plans to build a new type of drone military aircraft in Australia. Boeing has selected Toowoomba city in Queensland State as the final assembly point for its unmanned Loyal Wingman planes. The first test flights were completed earlier this year. The announcement comes less than a week after the U.S., Britain and Australia announced a new security alliance that will supply Australia with nuclear-powered submarines. It uses artificial intelligence to operate in tandem with manned aircraft and was conceived, designed and developed in Australia. It's the first military combat aircraft to be designed and manufactured in Australia in half a century. Boeing Australia is currently developing six of the aircraft in partnership with the Royal Australian Air Force. The deal was however condemned by China and has heightened tensions in the Indo-Pacific region.



28% of 138,000 assessed species face extinction

About 28% of the 138,000 species assessed by the International Union for the Conservation of Nature (IUCN) for its survival watchlist are now at risk of vanishing in the wild forever, as the destructive impact of human activity on the natural world deepens. The conference which took place in the French city of Marseille, the IUCN congress additionally mentioned that habitat loss, overexploitation and illegal trade have hammered global wildlife populations for decades, and climate change is now kicking in as a direct threat as well. In the latest update of the Red List for Threatened Species, the Komodo dragon is now listed as endangered, notably because of rising sea levels and rising temperatures in its Indonesian habitat. Ebonies and rosewoods threatened by logging were among trees put on the list for the first time this year. The IUCN Red List Unit reassesses hundreds of species each year. Of the 138,374 species the group tracks, more than 38,000 are threatened with extinction.

Fumio Kishida: Japan's new prime minister takes office

Japan's ruling party elected former foreign minister Fumio Kishida its new leader, setting him on course to become the next prime minister of the world's third-largest economy. Fumio Kishida is set to replace Yoshihide Suga as prime minister after he won the ruling Liberal Democratic Party's leadership vote. Kishida will succeed Prime Minister Suga, who announced he will not be running for re-election after his approval ratings plummeted to an all-time low, within his first year in office. Kishida will be confirmed as the 100th Prime Minister of Japan. Kishida comes from a family of a long line of politicians. He first entered the political arena in 1993, following in the footsteps of his father and grandfather. He served as policy chief of the LDP and later as foreign minister between 2012-17, during which he was responsible for negotiating deals with Russia and South Korea.



North Korea says it fired new 'hyper-sonic missile'

North Korea test-fired a new "long-range cruise missile" over the weekend, state media reported Monday, calling it a "strategic weapon of great significance" amid a long standoff with the United States over its nuclear programme. The missiles travelled 1,500-kilometre (about 930 miles) flight paths -- including figure-of-8 patterns -- above North Korea and its territorial waters to hit their targets, according to KCNA. North Korea's weapons tests are meant to build a nuclear and missile program that can stand up to what it claims as U.S. and South Korean hostility, but they are also considered by outside analysts as ways to make its political demands clear to leaders in Washington and Seoul. The latest launch also marked the country's third missile test this month. It has already revealed a new type of cruise missile, as well as a new train-launched ballistic missile system.

Japan and Vietnam sign defence deal

Japan and Vietnam have agreed to step up cooperation amid worries about China's growing military influence. With this resolve, both the countries signed a new deal that enables the export of Japanese-made defence equipment and technology to Hanoi. Japan's Defence Minister Nobuo Kishi said the deal elevates the two countries' defence partnership "to a new level" and that Japan and Vietnam plan to deepen defence ties through multinational joint exercises and other means. Details about the transfer of specific equipment, including naval vessels, would be discussed in subsequent talks. Vietnam has territorial disputes with China over the Spratly and Paracel island groups in the South China Sea. Japan and China are also embroiled in a territorial dispute, with Tokyo regularly protesting against the Chinese coastguard's presence in the East China Sea near the Japanese-controlled Senkaku islands, which Beijing also claims and calls Diaoyu. Japanese officials say Chinese vessels routinely violate Japanese territorial waters around the islands, sometimes threatening fishing boats. This defence deal is said to be a significant step towards cooperation between both the countries.



El Salvador becomes 1st country to adopt Bitcoin as a legal tender

In an unprecedented move, El Salvador became the first country in the world to adopt Bitcoin as a legal tender in their country. President Nayib Bukele, says it will help Salvadorans save \$400 million a year on commissions for remittances, while giving access to financial services to those with no bank account. He said the idea was to build a bitcoin mining hub around the country's geo thermal potential. The use of bitcoin will be optional for individuals and would not bring risks to users, Mr. Bukele said, with the government guaranteeing convertibility to dollars at the time of transaction through a \$150 million trust created at the country's development bank BANDESAL. Many people still have apprehensions towards the adoption of the original cryptocurrency. It is being said that this move will lead to and accelerate money laundering and financial instability. On the other hand, some are celebrating this move, they say that it would be easier for them to transfer funds as banks charge for such transfers. The change means businesses should accept payment in bitcoin alongside the U.S. dollar, which has been El Salvador's official currency since 2001 and will remain legal tender. Many questions still remain unanswered as the government takes up this change. One of them being the wallet that would be used by the citizens, and the penalization policy for non-acceptance of Bitcoin.

Mexico's SC votes to decriminalize abortion

Mexico's Supreme Court ruled that criminalizing abortion is unconstitutional, setting a precedent that could lead to legalization of the procedure across this conservative Catholic country. All the 11 Supreme Court judges voted unanimously in favor of the petition. The ruling, for the northern state of Coahuila, prevents women from being prosecuted for getting an abortion. Abortion is currently severely restricted in all but four of the country's states. A judicial source said the ruling will affect the whole of Mexico, allowing women in states where abortion is criminalised to undergo the procedure with a judge's order. The unanimous ruling from the nation's top court follows years of efforts by a growing women's movement in Mexico that has repeatedly taken to the streets of major cities to demand greater rights and protections. This move was met with elation by feminist activists and dismay by conservative politicians and the powerful Catholic Church.



Myanmar's leaders agreed to ASEAN call for ceasefire

Myanmar's military rulers have agreed to an ASEAN call for a ceasefire until the end of the year to ensure distribution of humanitarian aid, citing the envoy of the southeast Asian bloc to the crisis-torn nation. Following a coup in February, the Association of Southeast Asian Nations (ASEAN) has been trying to end violence in which hundreds have been killed in Myanmar, and open a dialogue between the military rulers and their opponents. The junta could not be trusted to honour the deal, however, Myanmar pro-democracy activist Thinzar ShunLei Yi adds, "Ceasefires buy more time for the military to reload bullets." Maw Htun Aung, a deputy minister in the National Unity Government formed of opponents of military rule, said ASEAN needed to tell the junta to stop "killing and terrorizing" its own people. The National Unity Government (NUG), comprising of ousted politicians and the heads of many of Myanmar's ethnic groups, is calling people out to protest against the junta, but on the other hand, the junta is stating that the NUG is destabilizing the sitting government.

China trying to seize island in disputes in South China Sea

China is trying to seize an island in the South China Sea in the face of a strong US naval presence. The Chinese navy has announced it cordoning off the sea area west of Leizhou peninsula for the 'live-fire exercises'. This follows the Chinese navy's Southern Theatre Command conducting an amphibious landing exercise during the previous day. State broadcaster CCTV showed soldiers being sent to an unspecified island by helicopter and the transport dock. Earlier, China had claimed that US navy had trespassed into the area and it was warned off by Chinese naval forces. Many countries continue to claim the islands in the South China Sea as their own while the rifts continue. During this time, China has also enforced new maritime rules for foreign ships entering Chinese waters.



Israeli firm unveils armed robots to patrol borders

An Israeli defense contractor unveiled a remote-controlled armed robot which can patrol battle zones, track infiltrators and open fire. Proponents believe such semi-autonomous machines allow armies to protect their soldiers, while critics fear this marks another dangerous step toward robots making life-or-death decisions. The four-wheel-drive robot was developed by the state-owned Israel Aerospace Industries' "REX MKII", operated by an electronic tablet and can be equipped with two machine guns, cameras and. The robot can gather intelligence for ground troops, carry injured soldiers and supplies in and out of battle, and strike nearby targets.. Unmanned ground vehicles are being increasingly used by other armies, including those of the United States, Britain and Russia. Their tasks include logistical support, the removal of mines and firing weapons controlled manually by a tablet. Critics have raised concerns that robotic weapons could decide on their own, perhaps erroneously, to shoot targets. The company says such capabilities exist but are not being offered to customers

Switzerland approved same sex marriage

Switzerland voted to approve a referendum on September 26 that would grant same-sex marriage rights to LGBTQ couples. The referendum passed by a nearly two-thirds majority vote, with 64.1 percent of voters throwing their weight behind same-sex marriage, according to nationwide results provided by the Swiss federal chancellery, Reuters reports. Under the new law, LGBTQ partners not only have the right to get married and adopt children, but lesbian couples are allowed to access sperm donations, and foreign partners can gain approval for Swiss citizenship. This decision puts Switzerland in line with other western nations that support marriage equality. For years, Switzerland had remained one of the few European countries without full LGBTQ marriage rights. This decision comes amid other actions that support LGBTQ rights. Last year, the country passed a law protecting LGBTQ people against discrimination, and Swiss lawmakers loosened restrictions, making it easier for trans people to legally change their gender. Transgender people there can now take that step based on their own sworn statement rather than requesting a doctor's note about their medical transition.



US plans projects in South America to counter China's Belt and Road Initiative

US officials are set to tour Latin America this week to scout infrastructure projects as they prepare a counter to Chinese President Xi Jinping's multi-trillion-dollar Belt and Road Initiative. The group is tasked with turning Build Back Better World (B3W), the international infrastructure investment initiative announced by the Group of Seven (G-7) in June, into reality. It's the first of several planned "listening tours" The program is focused on areas including climate, health, digital technology and gender equality, officials have said. A formal US B3W launch event is planned for early next year that will include details of some initial projects aimed at narrowing the \$40 trillion needed by developing nations by 2035, according to a senior Biden administration official. It is not yet decided how much capital the program will ultimately allocate.

Google in court to appeal 2018 antitrust case (Google under EU antitrust lens over voice assistant)

In its original decision, the commission said Google's practices restrict competition and reduce choices for consumers. Android has led to lower-priced phones and spurred competition with its chief rival, Apple. The Commission ruled that Google broke EU rules by requiring smartphone makers to take a bundle of Google apps if they wanted any at all, and prevented them from selling devices with altered versions of Android. Google's position is that because Android is open source and free, phone makers or consumers can decide for themselves which apps to install on their devices and because it's the only one bearing the costs of developing and maintaining Android, Google has to find ways to recoup that expense, so its solution is to include apps that will generate revenue, namely Search and Chrome. The company also argues that just because its apps come pre-installed on Android phones, it doesn't mean users are excluded from downloading rival services. The Commission also took issue with Google's payments to wireless carriers and phone makers to exclusively pre-install the Google Search app. But Google said those deals amounted to less than 5 per cent of the market, so they couldn't possibly hurt rivals. Following the ruling, Google made some changes to address the issues, including giving European Android users a choice of browser and search app, and charging device makers to pre-install its apps.



China cracks down on cryptocurrency, bans all transactions

China intensified its crackdown on cryptocurrency, declaring all financial transactions involving cryptocurrencies illegal and issuing a nationwide ban on cryptocurrency mining. Chinese banks were banned from handling cryptocurrencies in 2013. In May, the Chinese Banking Association underlined that message, saying financial institutions should "resolutely refrain" from providing services using digital currencies because of their volatility. That reflected official concern cryptocurrency mining and trading might still be going on or the state-run financial system might be indirectly exposed to risks Friday's notice complained Bitcoin, Ethereum and other digital currencies disrupt the financial system and are used in money-laundering and other crimes. Promoters of cryptocurrencies say they allow anonymity and flexibility, but Chinese regulators worry they might weaken the ruling Communist Party's control over the financial system and say they might help to conceal criminal activity. The People's Bank of China is developing an electronic version of the country's yuan for cashless transactions that can be tracked and controlled by Beijing.

POLICY DIGEST

AFGHAN REFUGEES: NO RATIFICATION, NO RESPONSIBILITY?

Author : Aniruddh Saraswat
Convenor



The country of Afghanistan has been in a continuous state of conflict ever since 1996 when an organization called the Taliban took control over various parts of Afghanistan including the capital the city of Kabul. The Taliban was overthrown by the American forces along with the help of the Northern Alliance in 2001. However, it is an established fact that the said group has recently taken over the governance of Afghanistan and has been carrying out regular attacks throughout the country which have created a widespread humanitarian crisis and a situation of conflict and insecurity in the country, forcing millions of Afghans to leave the country and seek refuge in countries like Pakistan and Iran.

Currently, there are more than 2.6 million Afghan refugees in the world, forming the second biggest refugee community, after the Syrian refugee community. The plight of these refugees is worsened as they leave their unsafe homes only to be treated as unwanted individuals as they are rejected by the countries where they seek protection and refuge.

This article primarily deals with the Pakistan government's campaign of forcefully sending Afghan refugees back to their country and forcing them to live under a constant threat to their lives, which violates the principle of non-refoulement, a provision of international refugee law.

The Principle of Non-Refoulement and Pakistan:

For a better understanding of the issue and the applicability of the principle of non-refoulement in the context of Afghan refugees in Pakistan, the author has divided this section of the article into the following parts:

The Principle of Non-Refoulement under International Law

The principle of non-refoulement constitutes the keystone of international refugee protection and the same interdicts a country from expelling an asylum seeker in any manner whatsoever to territories where his life or freedom would be jeopardized as a result of persecution. This principle has been incorporated in Article 33(1) of the 1951 Refugee Convention (hereinafter called the Convention) and its Protocol of 1967 (hereinafter called the Protocol). The protection of the abovementioned principle applies to any person who meets the prerequisites of the 'refugee' definition contained in Article 1A(2) of the Convention. Further, the abovementioned principle prohibits a country from subjecting the asylum seeker to any form of forcible removal, including deportation and non-admission at the border.

The non-refoulement obligation under Article 33(1) of the Convention and its Protocol is binding on all organs of a State Party to the Convention and the Protocol further, many organizations and regional courts like the UNHCR and the New Zealand Court of Appeal are of the view that even the states which are not a party to the same are also under an obligation of the abovementioned principle as it is a customary international law. Moreover, the principle of non-refoulement has been re-affirmed in the 1984 Cartagena Declaration on Refugees and other, important international texts, including, in particular, the Declaration on Territorial Asylum adopted by the United Nations General Assembly on 14 December 1967.

UNHCR in one of its reports titled "Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol" relied upon the view of the International Court of Justice in the North Sea Continental Shelf Judgement, and mentioned that for a rule to become part of customary international law, two components are required, i.e., congruous state practice and opinio juris, (or the understanding held by states that the practice at issue is binding due to the existence of a rule requiring it). UNHCR therein submitted that the proscription of refoulement of refugees, as enshrined in Article 33 of the Convention, satisfies these criteria and hence, the same constitutes a fundamental rule of customary international law.

Further, non-refoulement obligations complimenting the obligations under the 1951 Convention, have also been enshrined very explicitly under international human rights law. An explicit non-refoulement provision has been laid down in Article 3 of the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which forbids the return of a person to a country where there are considerable reasons for believing that he or she would be in danger of being exposed to torture, grave human rights infringement and notably arbitrary deprivation of life.

Pakistan and the Principle Of non-refoulement

Currently, Pakistan has no domestic refugee law. There are two instruments, i.e. the 1951 Convention and its Protocol of 1967, which are the pillars of international refugee law and Pakistan, like Afghanistan, is not a State Party to either of them and it is Pakistan's stance that since there exists no customary international law in respect to refugees, Pakistan is not obligated to give asylum to Afghan refugees inside its territory.

The government of Pakistan has repeatedly justified its actions by claiming that it has anyway been providing shelter and refuge to these refugees on its territory furthermore, it has been maintaining and supporting them mainly on the basis of humanitarian grounds coupled with the fact that these refugees belong to an Islamic region. It claims to have done far more for the Afghan refugees than is required by the Convention and its Protocol. Hence, Pakistan argues that its actions cannot be held in violation of the principle of non-refoulement.

Pakistan's Campaign: A Violation of the Principle of Non-Refoulement

Peace in Afghanistan is still a far-fetched dream as the humanitarian crisis in the country is getting worse with each passing day due to regular attacks by the Taliban and the recent drought which has hit the country. Further, the conflict between various parties in Afghanistan has impacted access to education and healthcare facilities as well as access to water supplies, food and roads.

Currently, more than 6.3 million people in Afghanistan require humanitarian assistance and the forced return of Afghan refugees by Pakistan has made it worse by giving birth to a severe internal displacement problem in Afghanistan. Pakistan has sent more than 600,000 refugees back to Afghanistan to date, by subjecting them to constant abuse and torture. Further, Pakistan has been using a toxic and inhuman combination of insecure legal status, the threat of deportation during winter and police abuses including crippling extortion, arbitrary detention, passing of laws that are unfair to Afghan refugees and nocturnal police raids, to achieve the same.

Pakistan's campaign of closing its borders to Afghan refugees and denying them entry into the country and also forcefully sending the ones who somehow have managed to cross the border into Pakistan, to a place where their lives are seriously at risk is in violation of the principle of non-refoulement as enshrined in Article 33 of the Convention and its Protocol despite Pakistan not being a party to the same as the said principle is a cardinal part of customary international law. Moreover, as mentioned earlier, the opinion that the principle of non-refoulement is a part of customary international law has been backed by organisations and regional courts like the UNHCR and the New Zealand Court of Appeal in their reports and judgements.

Furthermore, there still exist certain controversial issues and blurred lines regarding the applicability of the principle of non-refoulement in respect to the states which are not Party to the Convention of 1951 and its Protocol of 1961 as there exists no clear customary international law in respect to the international refugee law. While there are organizations like the UNHCR which are of the opinion that the said principle is a fundamental part of customary international law, there is an equally strong opposition at the international stage to the same, making the status of the principle of non-refoulement as a part of customary international law uncertain and ambiguous. However, despite there being uncertainty over the status of the principle of non-refoulement as a part of customary international law, Pakistan being a state party to the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was under an obligation to not send Afghan refugees back to Afghanistan, as Article 3 of the same contains an explicit non-refoulement clause.

Furthermore, the UN Committee Against Torture in the concluding observations on Pakistan submitted that the actions of Pakistan, a state party to the 1984 Convention, using coercion including threats of deportation, police abuse, extortion, raids and arbitrary detention as means, to return Afghans, including registered refugees, to their country of origin violated its obligations to the principle of non-refoulement as enshrined under Article 3 of the 1984 Convention.

CONCLUSION:

After a detailed study of the principle of non-refoulement and its applicability in the context of Afghan refugees in Pakistan, the author herein concluded that Pakistan should be held accountable for violating its obligations as enshrined under the principle of non-refoulement by forcefully sending Afghan refugees back to their country and forcing them to live under a constant threat to their lives.

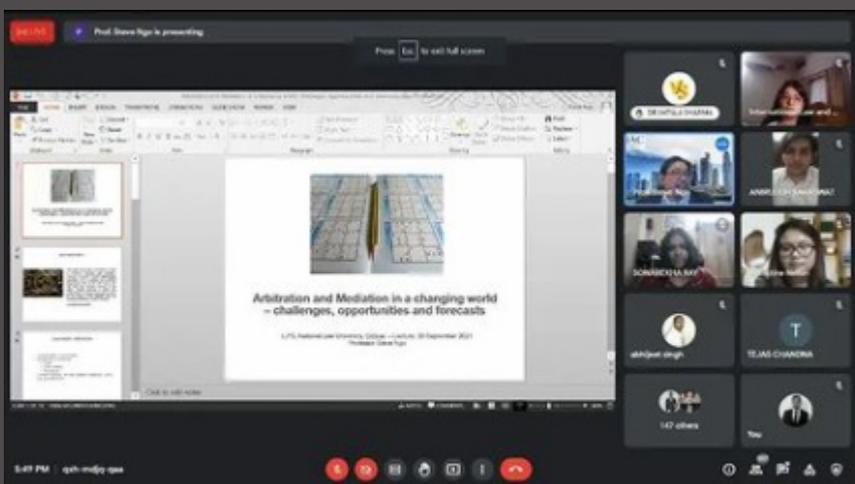
ACTIVITIES OF ILPS

We are pleased to inform you that the ILPS team has successfully conducted its first webinar for the academic session 2021-22 on 30 September 2021.

We are thankful to Prof. Steve Ngo who delivered a very informative and enlightening lecture on the topic 'Arbitration and Mediation in a changing world- challenges, opportunities and forecasts'.

The webinar entailed a detailed discussion on how the International Arbitration and ADR world continue to experience an unprecedented rise in terms of popularity as well as its adoption, globally.

We also extend our hearty thanks to all the participants for making this webinar a huge success.



INTERNATIONAL LAW AND POLICY SOCIETY NLUO 1ST ESSAY WRITING COMPETITION ON INTERNATIONAL LAWS AND POLICIES

Eligibility

Students, Scholars, or Academicians pursuing law degree or course from any recognized law university can participate in the competition. A maximum of 02 Co-Authors are allowed.

Theme

1. Vaccine Diplomacy of India
2. Refugee crisis in the Taliban rule
3. The regressive laws paradigm of China
4. Changes in the International abortion laws in 21st Century
5. Outer space treaty with respect to the private corporations' space race

Registration

The registration link for the competition is:

<https://forms.gle/mA6vqaar2Lxcni7PA>

Last date of Registration is 25th October 2021

Registration fees shall be Rs 100 for a single author and Rs 150 for co-authorship.

Payment Details

(Please mention the subject as "Essay Writing Competition" while making the payment)

Bank Name: SBI

Account Holder Name: Naimisha Tayi (Treasurer, ILPS)

UPI Id: tayinaimisha77@oksbi

Mobile Number: 7673991217

INTERNATIONAL LAW AND POLICY SOCIETY NLUO 1ST ESSAY WRITING COMPETITION ON INTERNATIONAL LAWS AND POLICIES

Submission Deadline

31st October 2021

Submission Link - <https://forms.gle/NU4hvw8NVdJkb6Dt7>

Prizes

1st Prize : Rs. 1,500

2nd Prize: Rs. 1,000

3rd Prize : Rs. 500

The best three submission will feature in the columns of ILPS Bi-annual Newsletter

E-Certificate of appreciation shall be awarded to the top entries of the competition.

Guidelines

- The submission shall be original work of the author dealing with public international law and foreign policy. The submissions must focus on current developments in these fields and must be analytical in nature.
- A maximum similarity of 10% is allowed. Non-adherence to this rule shall result in rejection of the article summarily.
- The submission must have a clear and concise structure along with clear Headings and sub-headings.
- A submission should have 1000 to 1200 words.
- The manuscripts must be in "docx" format. Text must be in Times New Roman, have 1.5 line spacing, font size 12 and justified.
- Citations should be given in the hyperlinks.
- The file name of the Submission should be the title of the Essay.

Submissions failing to meet above mentioned doctrines will be rejected.

Contact Information

Email – ilps.nluo.ac.in

Contact - Vedant (Secretary)- +91-8982804049, +91-7735855067

ABOUT ILPS

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.

ILPS TEAM

Faculty Advisor
Dr. Suvrashree Panda

Members:
Aniruddh Saraswat
Rohan Zaveri
Vedant Sharma
Chitrangda Saini
Naimisha Tayi
Sonarekha Ray
Abhilipsa Mohanty
Sagun Modi
Teesha Deb
Pragya Agrawal
Aayushman Awasthi
Shiv Sankar
Sidhanth Majoo
Aadhruti Vangaveti

CONTACT US

Email Id:
ilps@nluo.ac.in

ILPS Blog:
www.ilpsnluo.com

LinkedIn:
International Law and
Policy
Society (ILPS) NLUO

Instagram:
[@ilpsnluo](https://www.instagram.com/ilpsnluo)

Twitter:
[@ILPSNLUO](https://twitter.com/ILPSNLUO)