International Relations & Foreign Policy Committee
-School of Law, CHRIST-

CHRIST
(DEEMED TO BE UNIVERSITY)
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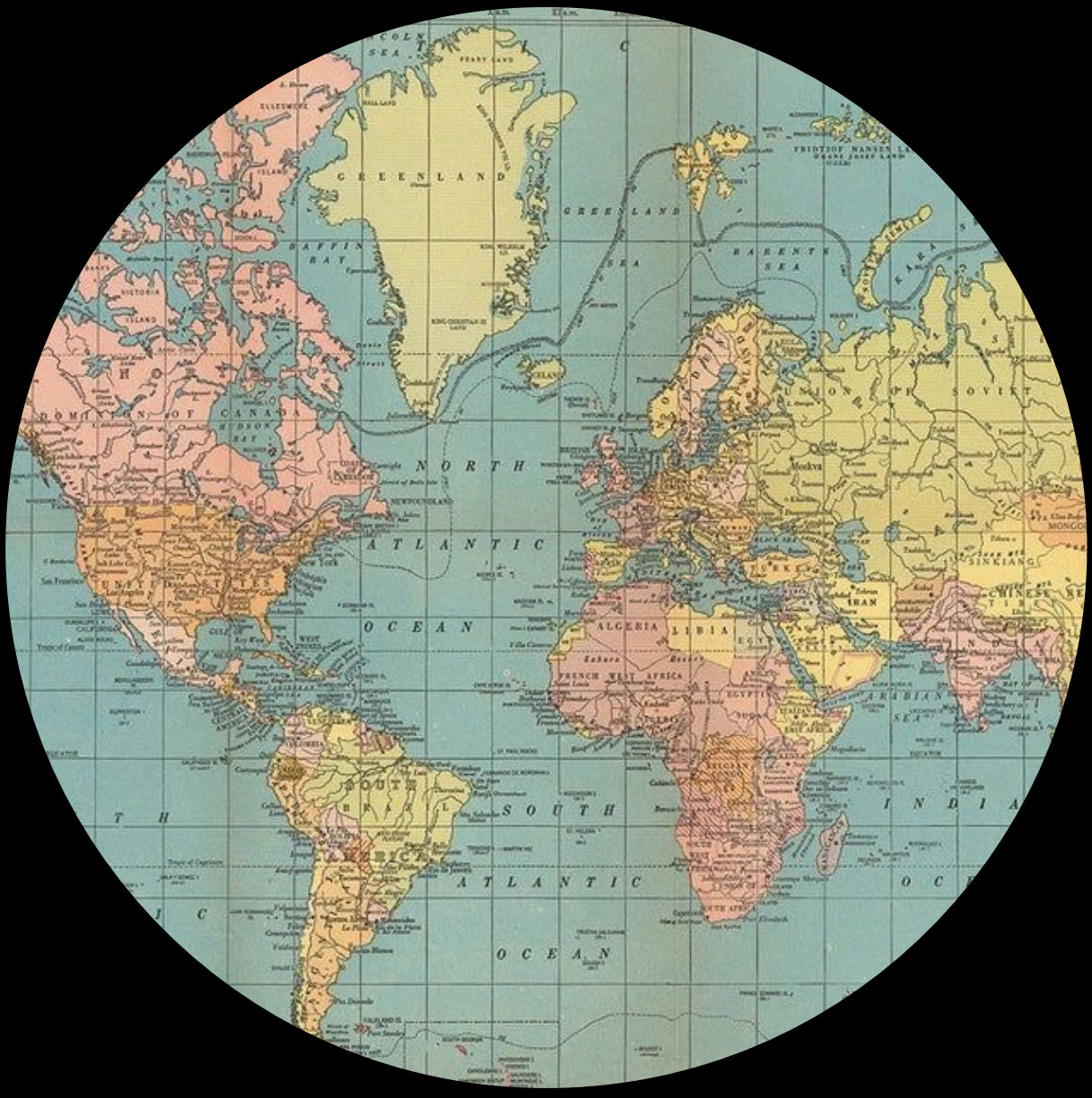
International Relations and Foreign Policy Committee | ILSA Chapter |
School of Law, CHRIST (Deemed to be University)

CAUSA ET CONSILIUM

THE IRFPC NEWSLETTER



2021 Roundup

Contents of the Newsletter

2021 roundup

Message from the Director

I extend my heartiest congratulations to The International Relations and Foreign Policy Committee (IRFPC) and the student body for the first edition of the IRFPC Newsletter: Causa et Consilium. I am pleased to see the IRFPC taking many novel initiatives to further interest in International Relations and Policy amongst the students at the School of Law, CHRIST (Deemed to be University).

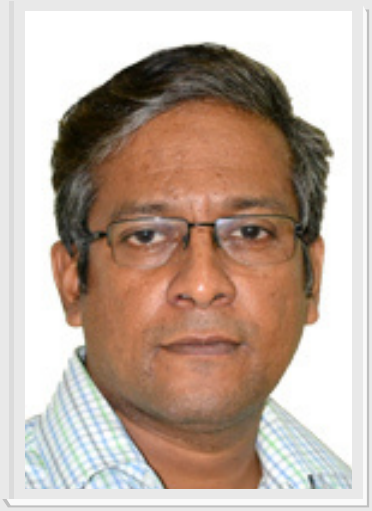
From inaugurating the International Law Students Association (ILSA) chapter at the School of Law, to starting the much appreciated Reading Circle – the IRFPC has gone from strength to strength this academic year. With the launch of its newsletter, the IRFPC continues its work towards generating interest in International Policy and Relations and providing the opportunity to students to articulate their informed perspectives in the subject area.

I wish the IRFPC the best with the Newsletter and hope it keeps up the enthusiasm it has shown. I look forward to its further publication.

- Dr. Fr. Benny Thomas
Director
School of Law
CHRIST (Deemed to be University)

2021 roundup

Message from the Dean



There is an air of despondency all around when it comes to invoking the core principles of international law in dialogues on war, peace and hope in recent times. This is particularly so in the current context of Russian invasion of Ukraine with a 'nuclearized' guillotine hanging over the heads of humanity.

Resort to brute power or the norms in international relations is a choice that nation-states will need to make. For that the persuasiveness of international legal norms will need to overwhelm and drown the armored rhetoric of war as a solution. A new avenue to debate and reform could not have come as a more opportune time.

The newsletter from IRFPC is a step in the right direction at the right time and will shape the contributors and the readers to think and resolve with a purpose of betterment of human society.

Wishing the IRFPC team all the very best in their endeavor!

- Dr. Jayadevan.S.Nair
Dean
School of Law
CHRIST(Deemed to be University)

2021 roundup

Message from the HOD

I'm happy to know that the International Relations and Foreign Policy Committee has put together the first edition of their Newsletter: Causa et Consilium. The Newsletter is a testament to IRFPC's goal to foster active understanding of intricacies of International Law and Foreign Affairs.

I commend the Committee's success in organizing multiple Guest Lectures on aspects such as Importance of Criminalizing Ecocide and the Reading Circle sessions focusing on encouraging focused academic research on less mooted areas of International Law. The IRFPC's efforts to come up with useful events for the students of School of Law, CHRIST (Deemed to be University) and continuing to providing a space to expand students' interest in International Law is noteworthy.

I extend my warm wishes to the IRFPC and wish them best regards for the future editions of the Newsletter.

- Dr. Sapna S.
Head of Department
School of Law
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2021 roundup

Message from the Faculty Coordinators

The IRFPC Newsletter: Causa et Consilium highlights the efforts of students to understand and formulate their stance, backed by quality research on the legal implications of global events. The Newsletter is a step towards IRFPC's continued vision to facilitate discussions and research on International Law and International Relations. I commend the efforts of the IRFP Committee in designing their first Newsletter.

- Dr. Rohit Roy
Assistant Professor
School of Law
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Causa et Consilium, Newsletter aims at providing a platform for scholarly works, engaging discussions and opinions on contemporary dilemmas in international affairs. We strive to make this e-newsletter captivating and education for those interested in International Relations and Foreign Policy matters. The International Relations Foreign Policy Committee is comprised of enthusiastic and dedicated student members who have worked tirelessly to make this Newsletter enriching for the readers.

- Ms. Vidya Ann Jacob
Assistant Professor
School of Law
CHRIST(Deemed to be University)

Research and publication of ideas indicate emerging interest of a student in the subject matter. The articles contained in this Newsletter display opinions formed through detailed exploration of concepts through multiple sources. I appreciate the efforts taken by all the students who contributed to the IRFPC'S Newsletter titled Causa et Consilium. I also extend my hearty congratulations to the Committee for the release of their first Newsletter.

- Mr. Viplav Baranwal
Assistant Professor
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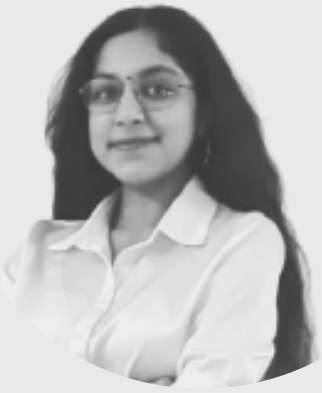

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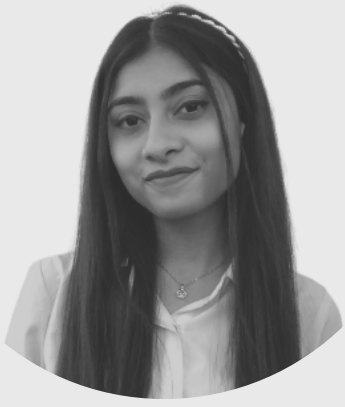

Nayana JM

2021 roundup

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2021 roundup

2021 Roundup

COP26

- BY NITHIKA REBELLO
Second year student, School of Law, CHRIST (Deemed to be University)

Cop26 is the 26th United Nations Climate Change Conference of Parties which took place in Glasgow from 31st October to 12th November. This was hosted by the UK government to bring governmental, non-governmental organisations, world leaders and activists together to discuss the important issue of climate change and how to tackle problems related to it. The Glasgow Summit was undoubtedly one of the most significant climate events since the Paris Agreement. The most noteworthy segment of the COP26 is that it is the first attempt between nations to create more ambitious goals to reach their contributions to mitigate climate change under the Paris Agreement. It seems pertinent to deem it an extension of the 2015 Paris Agreement, a last-ditch effort to keep the Paris Agreement alive and to complete the Paris Agreement rulebook.

The Glasgow agreement informally set the agenda on combating climate change for the next decade. Countries agreed to meet next year to pledge further cuts to emissions of carbon dioxide. There was a plan to reduce the use of coal as well. The agreement pledged to significantly increase money to help poor countries cope with the effects of climate change and make the switch to clean energy. The main aim of the Glasgow summit was to keep in mind the goal of the Paris Agreement, i.e. keep the global temperature rate with 1.5 degrees Celsius. Another goal was to hit the target of a hundred billion dollars every year under climate finance proceeds to vulnerable and developing countries. The third and final objective was to garner agreement on matters related to completing the Paris rulebook. The pace of achieving these three goals has given the Commission confidence that it is indeed possible to leave behind a legacy of safety and prosperity for future generations.

The Glasgow summit did end with some accomplishments such as new pledges to prevent climate change in regard to deforestation, coal financing, and rules on carbon trading. The Global Methane Pledge covers countries that account for nearly half of global methane emissions and 70% of global GDP but Methane is 84 times more potent than carbon and doesn't last as long in the atmosphere before it breaks down. This makes it a critical target for combatting climate change quickly while simultaneously minimizing other greenhouse gas emissions.

Another aspect of the summit worth discussing is the US-China deal; the two largest emitters of carbon formed an agreement to cooperate in this decade to prevent global warming from crossing the 1.5 degrees limit and make progress on the same front. There is a lack of details and deadlines on the agreement, which does not do the countries a favour in garnering trust from environmentalists, but upholds the promise of American leaders to boost clean energy, cut down methane emissions and prevent deforestation. This is to create an example of a global net-zero economy for the future.
The final draft of the COP26 deal did not include the annual review and renewal of climate pledges that developing countries have requested be made. In this regard, countries are currently requested to review pledges every five years. Apart from this, there was no answer to how much nations must cut down on their emissions. There was no specificity in this regard, which attracted questions about the true intention of the conference.

An important reason for doubts on the outcome of the Glasgow Agreement is the trust in by the governments of developing nations to deliver on their promise to provide quality and improved quantities of climate finance, including funds for loss and damage. It seems that most of the progress in the summit occurred at the beginning,

2021 roundup

in which a few significant agreements were signed to prevent deforestation and prevent emissions. As the convention progressed, there seemed to be a cropping up of irreconcilable differences, quite a few on the issue of funds towards loss and damage. At the very least, the promises made in the summit must be implemented if the planet is not to go up in flames due to an uncontrolled rise in global temperature. Attention must shift further than petty financial agendas, and signatories must realise that they hold one of the keys to turning their commitments to tangible improvement in global climate health. The mistrust that developed, developing, and undeveloped nations hold against each other will cause a lack of ambitious goals and a united effort to prevent climate disasters. To add fuel to the fire, this mistrust results in developed nations being wary of sharing climate-friendly technologies with developing countries, which shield them from truly achieving the levels of progress that have been set.

The extensive dilution of intent in the Glasgow Climate Pact will not propel the world into the phase of unity in climate change mitigation but seems to carry some hope of progress. The convention involved negotiations concerning loss and damage due to climate disasters, hoping that poorer countries would benefit from it, but there was no real action towards ensuring a safer way to deal with upcoming climate disasters. Today, international obligations are becoming codified into natural law and at the same time corporations that function under the jurisdiction of such governments are becoming cautious on mandating sustainable practices. The world is changing every day and with each day passing, there is a greater reliance on the nature. The need for international instruments serving as guidelines or frameworks on climate change will always continue to have an impact on the legal and political landscape. Important policy decisions must be concluded into constitutionally and democratically keeping in mind the input of the people. Understanding these principles gives us a systematic approach to climate change adaptation through laws and a way to tackle some of the stress points at which climate change generates the most difficulty under current law and policy. Nations have come to a realization of the planet over profit and keeping in mind the promise of efforts from all across the globe. Adaptation and implementation, adherence to the existing laws and treaties in a strict and unhinged manner can be a small step towards the realization of a tangible impact to slowly reverse, reduce the effects of climate change over time.

2021 roundup

THE GAMBIA VS MYANMAR: THE INTERNATIONAL IMPLICATIONS OF THE PROCEEDINGS BEFORE THE INTERNATIONAL COURT OF JUSTICE

- C V P RISHIK

First Year Student, School of Law, CHRIST (Deemed to be University)

"The UN was formed not to take humanity to paradise, but to save humanity from hell" - Dag Hammarskjold, former Secretary General of the United Nations.

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as *"acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such "including the killing of its members, causing serious bodily or mental harm"* victims are targeted systematically due to their membership of a particular group.
So far only 3 cases of genocide has been recognized since the second world war; Cambodia (Khmer rouge), Rwanda(1994) and Srebrenica, Bosnia (1995).

The Rwandan genocide has been characterised as a failure on the part of the international community, and the same can be said for the current crisis in Myanmar, where state-sponsored ethnic cleansing and displacement of a community called the Rohingya.

Who are the Rohingya?

The Rohingya are a stateless Indo-Aryan ethnic group that live in the Rakhine state, located in the northern part of Myanmar. United Nations Secretary General Antonio Guteres described the Rohingya as one of *"the most persecuted minority communities around the world"*. Prior to the mass exodus in 2017, where an estimated 6,55,000-7,40,000 fled into Bangladesh, around 1.4 million Rohingyas lived in Myanmar. The 1982 Myanmar nationality law stripped them of their citizenship. According to this law, full citizenship status was granted only to the descendants of specific ethnic groups who were believed, according to the junta, to be living within the country in 1823, before the Anglo-Burma war. These ethnic groups have been constituted into a bracket called the *"national ethnic groups"* and given a National Registration Card (NRC). 135 ethnic groups have been classified as such over the years, but the Rohingya have been excluded.

According to the government, the Rohingya are infiltrators from Bangladesh, and thus not entitled to citizenship rights. The Rohinyga have a distinct language and culture, and trace their lineage to Arab traders who have lived there for centuries. However, the failure of the Myanmar government to recognize their historic origins and their characterisation as intruders has led to their delegitimization in the census of 2014. The government asserts that the Rohingya use their historical Arab descent to identify with the Arakan Muslims and thus spread a *"separatist agenda"*.

Nature and Background of the Conflict

The conflict arises primarily due to sectarian social and religious issues between the minority Rohingya muslims and dominant Rakhine Buddhists. During the Second World War, Rohingya muslims who sided with the British in return for their demand of a separate state, fought against the dominant Rohingya Buddhists, who allied with the Japanese. After Myanmar achieved

2021 roundup

independence in 1948, These Rohingya formed a *"mujahideen"* to fight government forces. They wanted to concentrate their population around the Northern Arakan, in the hope that it would be annexed by East Pakistan. However by the late 1950's this movement was suppressed and many Rohingya fighters started surrendering to the government.

In the 1970's, separatist movements reemerged from the remains of the Mujahideen. The government launched Operation *"Dragon King"* to expel these fighters. Attacks by various insurgent groups followed, resulting in periodic eruptions of violence and pushback by the State.

Beginning in August 2017, the *"Arakan Rohingya Salvation Army*" launched coordinated attacks on army camps. In retaliation, a systematic crackdown by the Tatmadaw, or the Myanmar military, followed, resulting in a mass exodus of the Rohingya people into Bangladesh, with allegations of genocide being raised against the Army. The specific allegations against the army for committing acts targeting the civilian populace of the minority ethnic group is a grave cause for concern.

The case before the International Court of Justice

The case officially instituted before the International Court of Justice, is a reflection of the power held by sovereign states in international law. The Republic of The Gambia, a State with an overwhelming Islamic population located in West Africa, approached the ICJ on behalf of the 53-member Organisation of Islamic Cooperation (OIC), based on a 2018 report by the Office of the United Nations High Commissioner for Human Rights, which was written based on the findings of an independent International Fact Finding Mission on Myanmar (IIFM), that alleged Myanmar of *"genocidal intent"*.

Both parties are signatories to the Convention on the Prevention and Punishment of the Crime of Genocide, (Genocide Convention). Article 9 of the Convention reads, *"Disputes between the Contracting Parties with regard to the interpretation, application or the fulfilment of this said Convention, including those relating to the responsibility of the State for genocide, or for any of the other acts enumerated in article 3, shall be submitted to the International Court of Justice, at the request of any of the parties to the dispute"*

Article 3, in turn, enumerates the various acts punishable under this Convention, namely genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, and complicity in genocide.

In Paragraph 2 of the Application Instituting Proceedings, and Request for the Indication of Provisional Measures, Gambia referenced acts including killing, causing serious bodily and mental harm, inflicting conditions that are calculated to bring about physical destruction, imposing measures to prevent births, and forcible transfers, and characterised them to be genocidal in nature due to the intent to destroy the Rohingya group in whole or in part.

The official claim made by Gambia before the ICJ, is that Myanmar, as a consequence of acts committed by it's State organs, agents, and other persons and entities acting on the instructions or under the direction and control of Myanmar, is responsible for a breach of it's obligations under the Genocide Convention, including but not limited to:

1. Committing genocide in violation of Article III (a);
2. Conspiracy to commit genocide in violation of Article III (b);
3. Direct and public incitement to commit genocide in violation of Article III (c);
4. Attempting to commit genocide in violation of Article III (d);
5. Complicity in genocide in violation of Article III (e);
6. Failing to prevent genocide in violation of Article I;
7. Failing to punish genocide in violation of Articles I, IV and VI; and
8. Failing to enact the necessary legislation to give effect to the provisions of the Genocide

2021 roundup

Convention and to provide effective penalties for persons guilty of genocide or of any of the acts enumerated in Article III, in violation of Article V.

The relief sought is that the Court declare that Myanmar has breached it's obligations under the Convention, and further declare that Myanmar must ensure that persons committing genocide are punished by a competent tribunal, and provide reparations of the victims of genocidal acts, including but not limited to ensuring the safe and dignified return of forcibly displaced Rohingya and respect for their full citizenship and human rights and protection against discrimination and persecution.

The Gambia also sought 6 other provisional measures from Myanmar including cooperation with the UN bodies for investigation.

Myanmar's Response So Far

Myanmar's preliminary objections revolve around the jurisdiction of the ICJ to hear the case, and the admissibility of the claims based on Gambia's lack of standing and inability to validly seize the court, on account of Myanmar's reservations to Article VIII of the Genocide Convention.

Myanmar's contention is that the real applicant in the case is the OIC, and not the Gambia. They allege that the application was filed before the Court by Gambia in it's capacity as an agent of the OIC, and not as a Contracting Party to the Genocide Convention. The contention raised is based on a joint reading of Articles 34(1) and 36(1) of the Statute of the International Court of Justice which respectively specify that only States may be parties in cases before the Court, and that the jurisdiction of the Court comprises all cases that may be referred to it by parties.

Myanmar also claims that Gambia's allegations of genocide are unfounded, as it relies on OIC documents and UN reports and does not point out to a specific violation of the genocide convention.

Nobel Peace Prize winner Aung San Suu Kyi, seen as the defender of democracy in Myanmar, shocked the international community when she spoke out in the Tatmadaw's defence at the Hague, condoning their acts as a necessity against terrorist acts committed by domestic insurgent groups. Her delegitimization of the Rohingya and refusal to admit the existence of atrocities against civilians has been condemned by nations and human rights groups all over.

The Observations of the International Court of Justice

So far, the ICJ in its Order dated 23 January 2020, has indicated six provisional measures which would require cooperation from Myanmar with the UN bodies for thorough investigation. The ICJ has said it has *"prima facie established the existence of dispute between the parties related to the interpretation, application or fulfilment of the genocide convention"*, and has indicated these provisional measures to prevent irreparable harm being caused to the Rohingya population.

The Court, in addressing the challenge to Gambia's standing, stated that any State, and not only a specially affected State, can invoke the responsibility of another State party in order to ascertain their alleged failure to comply with their obligations under the Convention. Even if Gambia *"may have sought the support of other states or international organisations in its endeavour"*, that does not detract from Gambia's right to bring a case against Myanmar.

The Ramifications to be Expected

As of now, Myanmar faces no immediate consequences apart from a dent on its international image. The Tatmadaw has denied its role in the genocide and that is expected to be its consistent stand throughout the case.

The provisional measures indicated against Myanmar are merely meant to ensure compliance with investigations and fact-finding missions to ascertain the veracity of the claims of genocide raised by the Gambia, but are no formal declaration of Myanmar's guilt.

2021 roundup

The enforceability of judgements of the ICJ is limited, and purely contingent upon the willingness of States to act in good faith and comply with their obligations under international law. As per Article 94 of the Charter of the United Nations, all member states are required to accept the decisions of the ICJ. However, to get any state to comply with any order, securing consent of that state is essential.

The 1989 case of Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), wherein the ICJ held the United States guilty of breaching Nicaagua's sovereignty in funding and training the Contras, is a demonstration of the Court's inability to ensure compliance, since it resulted in a refusal on the part of the United States to abide by the decision and make the necessary reparations.

To bypass this barrier to enforceability, the Security Council is empowered to make recommendations or impose measures to give effect to the judgement. However, there is little possibility of the Council taking meaningful action, due to conflicting international interests in maintaining the status quo, to gain geopolitical benefits, especially among the nations holding the Veto Power who share close ties with the military junta in Myanmar.

Conclusion

This issue has many layers, there is a serious history of terrorism and insurrection by *"Rohingya"* groups against the Myanmar state. However there have also been allegations of a military crackdown on the civilian population. The only way to ascertain the truth is if the military junta fully cooperates with international investigators. Protecting basic human rights is every state's obligation and Myanmar must be held accountable for crimes against humanity. For that, it must fulfil its international obligations and the ICJ and the UN bodies must exercise its power in getting the persecuted minorities of Myanmar some semblance of justice.

2021 roundup

BLASPHEMY VS SECULARISM: A COMMENTARY THROUGH THE LENS OF INTERNATIONAL HUMAN RIGHTS LAW

- AKSHITH SAINARAYAN

First Year Student, School of Law, CHRIST (Deemed to be University)

Human rights are the foundation of human dignity and the larger institutions of freedom and liberty of mankind at large. Almost every word that has been included in the definitions of various facets in human rights law, has been labored on, over for years of debate and deliberation. But where does that leave us in 2022? Does it leave behind a sense of enlightenment where one may tangibly pose blind faith in the rule of the law? Or does one have to walk over eggshells to skirt the risk of breaking the thin veil of legal protection? Over the course of the next thousand-odd words, we shall aim to address the ambit of two intersecting phenomena that are non-existent without each other's institution: blasphemy and secularism, through the ambit of International Human Rights Law (IHRL).

The United Nations Human Rights Committee (UNHRC) rejected the notion that a blasphemy law could ever be human-rights compliant unless its function was to prevent incitement to religious or racial hatred in its General Comment No. 34 on freedom of expression. This is a widely held belief that is consistently endorsed whenever an international blasphemy controversy (such as the Danish Cartoons controversy in 2005) arises.

When viewed through a human rights lens, blasphemy laws, as a category of laws, pose a significant risk of inviting abuse on multiple fronts. They hold states to be the ultimate arbiters of truth and ultimate deciders of what is or is not offensive to the sacred, an assessment that is rife with subjectivity. Furthermore, these laws protect religions rather than people.

The enforcement of blasphemy laws is particularly problematic, leading to human rights violations and violence in some cases. Individuals have been subjected to severe state sanctions and both non-state and state-sponsored violence in some contexts for expressing beliefs that, to the listener, are offensive to the sacred.

Blasphemy laws give authorities the authority to punish citizens who express what are often minority views. Those who support and enforce the laws argue that such prohibitions are required to:

(1) combat incitement to discrimination, hostility, and violence in accordance with article 20(2) of the International Covenant on Civil and Political Rights (ICCPR); and

(2) protect freedom of religion in accordance with article 18 of the ICCPR. Unfortunately, the evidence tells a completely different story. Blasphemy accusations have resulted in arrests and arbitrary detentions, as well as assaults, murders, and mob attacks.

Although through this lens, blasphemy laws look less and less promising to the overall secular approach to any state they are enacted in. However, in this ambit, blasphemy laws are often ambiguously defined, and frankly, unambiguously violate international law (as arbitrary as the institution itself may be).

Blasphemy laws, as previously stated, unambiguously violate Articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), which U.N. human rights officials and entities have condemned on multiple

2021 roundup

occassions in the past.

Because authorities can impose any interpretation of what constitutes blasphemy on the accused, this ambiguity opens the door to abuse. Except for Canada, which has since repealed its blasphemy law, no country met USCIRF's criteria for adequate *"statutory language limiting the governmental authority's ability to interpret the meaning of the word 'blasphemy'"*. In other words, every country with a blasphemy law currently allows the authorities to determine what constitutes blasphemy. This is inherently arbitrary and opens the door to abuse in a variety of ways.

The same human rights entities have been emphasising in strong terms that given that a fundamental component of religious freedom is the *"freedom, either individually or in community with others and in public or private, to manifest [one's] religion or belief in worship, observance, practise, and teaching,"* the right to freedom of religion necessitates freedom of expression. This includes the ability to evaluate, question, and criticise the truth claims and teachings of other faiths, as well as their leaders, deities, and prophets, both privately and publicly.

In a few cases that are quite closer to home, the institutions of secularism and blasphemy are antithetical theses of each other. Large-scale protests against the Supreme Court of Pakistan's acquittal of a Christian woman named Asia Bibi in an alleged case of blasphemy brought Pakistan to a halt in the last week of October 2018. Seventy kilometers away, the Punjab government in India attempted to pass legislation punishing the sacrilege of Hindu, Muslim, Sikh, and Christian holy books. More recently, Langfang, a Chinese city, banned public Christmas decorations and all forms of Christmas celebrations throughout the city. Clearly, blasphemy and religious defamation continue to pose a serious challenge to democracy in South Asian countries.

Even in the Indian context, secularism and blasphemy have notions that oppose each other's rationalities. The concept of a *"wall of separation"* between church and state underpins the Western understanding of secularism. This understanding arose as a result of a power struggle between the two estates that culminated in the signing of the Treaty of Westphalia in 1648. However, in India, the Constituent Assembly faced a difficult task in determining the type of secularism that would be appropriate for such a religious society (Madan 1997). The question before the assembly was whether the word *"secular"* should be included in the Constitution's Objective Resolution, which later became the Preamble.

As a result, in addition to the classic features of secularism, such as non-discrimination on religious grounds, non-establishment principle, and freedom of religion, the Indian Constitution provides for reformation and the repression of socially unjust religious practices. The provisions emerging from this reformative approach include the abolition and criminalization of untouchability, as well as the opening of Hindu religious temples. As a result, this understanding of secularism necessitates a critical engagement with religion. The freedom to question religion and religious practices is a necessary prerequisite for critical engagement aimed at reform.

Altogether, the U.N. Strategy and Plan of Action's definition of hate speech, the detailed hate speech cases, and the nefarious motives of certain proponents of the Strategy and Plan of Action demonstrate that hate speech laws are vulnerable to manipulation and are unlikely to protect religious, political, and other minorities.

2021 roundup

ONE YEAR IN. DOES THE ABRAHAM ACCORDS KEEP UP TO ITS PROMISE?

- MERLIN BABU
Third Year Student, School of Law, CHRIST (Deemed to be University)

Abraham Accords so far

It's been a year since the Abraham Accords, which mended diplomatic relations between the United Arab Emirates and Israel, were announced in August 2020. The agreements were ultimately inked in September at a White House ceremony attended by President Donald Trump. The UAE and Israel switched ambassadors in less than a year. This was the high point of Tel Aviv's first year of restoring relations with Abu Dhabi. The accords also withstood the unexpected, severe test of an 11-day military escalation between Israel and Hamas that began in late May 2021 during its first year.

The Abraham Accords are here to stay, according to the one unambiguous lesson of the last year. However, it is becoming increasingly evident that they are splitting into two unequal pillars: pragmatic and idealistic. The former is profoundly anchored in both countries' national interests. This pillar is proving to be very promising and sturdy, and it has the ability to adapt and get stronger with each passing day.

As important as the theory underlying the agreements is, the latter idealistic pillar, which pledges to produce peace, regional stability, and transform people's views by turning foes into friends, is fairly weak and not as promising. It is not expected to acquire traction in the near future.

The Abraham Accords did not come out of a vacuum. We know now that they were the culmination of 15 years of mostly tacit relationships and long conversations between key officials of the two countries. These conversations were mature, multi-faceted, wide-ranging, and focused on common strategic concerns and regional threats. They apparently delivered tangible results along the way as well.

The UAE was ready to sign the bilateral peace treaty and was simply waiting for the appropriate opportunity to announce it to the world. Most Arab Gulf governments have such vast unspoken agreements with Israel. For some of them, normalization is becoming a strategic requirement, and for virtually all of them, it is politically unavoidable. The UAE was self-assured enough to take the risk of being the first Arab Gulf state to proclaim peace with the 70-year-old foe.

The Abraham Accords' historic component morphed into a pragmatic cornerstone with limitless potential. The UAE reached the deal based on a basic, factual premise: Israel has not become weaker as a result of five wars and a 70-year-long boycott. Instead, Israel has become a part of life, and it is a powerful state recognized by 163 nations. In the Arab-Israeli conflict, which has lasted longer than any other in modern history, a new standard was required. The status quo cannot be maintained indefinitely.

The United Arab Emirates was likewise considering its own national interests. It recognized the numerous financial prospects and strategic advantages of maintaining a positive relationship with Israel. The accords, for example, boost the connection between the United States and the United Arab Emirates. The Biden administration discreetly approved a proposal to sell $23 billion worth of advanced weaponry to the UAE in April 2021, including 50 state-of-the-art F-35 fighter jets. The agreements also solidified the UAE's role and image as a global peacemaker, boosting the country's regional stature as a rising middle power. Being a strategic partner of Israel has made the UAE feel more secure, not less.

Israel's scientific and technical advancements will be extremely beneficial to the UAE's post-oil

2021 roundup

economy. The first year's results are encouraging, particularly given the country's concentration on strengthening its knowledge economy and digital industry. Finally, the deal has the potential to strengthen the region's anti-Iran axis.

The UAE and Israel are commemorating the first anniversary of the Abraham Accords with a slew of excellent outcomes. The agreements' national interest component is persuasive. The agreement's idealistic component, on the other hand, is in serious doubt and should be questioned. The Abraham Accords were, after all, pitched to the public with lofty aims in mind. They are meant to provide the groundwork for a comprehensive peace in the area. The accords' architects hope to transform people's attitudes from foes to allies. During the first year of the agreements, none of these grandiose promises came true. In Israel, the United Arab Emirates, and the United States, no one is celebrating peace.

Israel poses the actual threat to this ideological underpinning of the agreements. Simply said, Israel has no intention of making peace with the Palestinians. Its new shaky coalition government advocates expanding Palestinian colonies. The two-state option is opposed by the majority of Israelis. More than 80% of people are fiercely opposed to the Palestinians having their own state. Israel has yet to accept the generous Arab Peace Initiative of 2002, which was accepted at the Beirut Summit by 22 Arab governments.

As a result, the Abraham Accords have a little practical possibility of delivering on this idealistic component anytime soon. They don't have the strength to compel Israel to make these historic agreements rest on two firm pillars.

Looking ahead

The Israel Policy Forum (which favors a *"sustainable two-state solution"*) has issued a timely analysis on whether the agreements may be utilized to break the Israeli-Palestinian deadlock in an attempt to address the major absence. The paper, titled The New Normal: Arab-Israeli Normalization and the Israeli-Palestinian Conflict, claims that the Israeli government may be prepared to accept trade-offs that progress Israeli-Palestinian peace in exchange for further normalization.

It also calls on the UAE and other Arab normalizers to push for Palestinian participation in economic projects related to commerce, the environment, and tourism that emerge as a result of the agreements.

2021 roundup

IRAN AND USA: 2021 IN REVIEW

- BY SOUMYA JM
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In 2021, the US was at it again. There was yet another showdown with a middle eastern nation, yet another community fearing for their lives. Political tension escalated between Iran and the United States when the US withdrew from the Joint Comprehensive Plan of Action (JCPOA). After efforts to negotiate, the two nations went back and forth, imposing economic sanctions and conducting military attacks. Hope was seen as negotiations seemed to yield a result in January finally. However, the process was thrown into shambles when Russia demanded that its trade with Iran be exempted from Western sanctions over Ukraine. Amidst all this, the people continue to live in fear of the growing potential of nuclear weapons and the ambiguity surrounding their discipline.

The timeline

January 2020 - the United States killed Qasem Soleimani; Iran denounced the nuclear deal; Iran mistakenly shot down a Ukrainian passenger plane and attacked multiple US bases in Iraq.
April 2020 - Iran launched its first military satellite; the United States threatened sanctions claiming to be a party to the JCPOA; the opposition claimed that the United States abandoned the terms of the deal when it reimposes sanctions on Iran.
May 2020 - Due to the shortage in Venezuela, Iranian tankers arrived to deliver oil despite US sanctions on both countries.
October 2020 - A US-backed UNSC resolution to extend the embargo failed, highlighting a lack of international support.
December 2020 - Trump boosted his maximum-pressure campaign against Iran to negotiate a new and broader deal on Iran's nuclear program, missile test, intervention in the Middle East and support for extremist movements.
April 2021 - There were talks to revive the JCPOA in Vienna where each side insisted that the other should be the first to recommence its responsibility. They also tried to downplay expectations for immediate breakthroughs.
June 2021 – November 2021 - Raisi became the president; US sanctions targeted him due to his involvement in the 1988 panel that sentenced thousands of protesters to death and his suppression of Iran's 2009 Green Movement protests.

After stalling for months, negotiations to revive the JCPOA resumed in November. Iran infamously adopted a more staunch stance than previously. The country's uranium-enrichment capabilities are imminent.

Infringement in Iran: Human Rights violations

Iran has barred freedoms of assembly and expression with an iron hand. Military forces imprisoned and killed protesters, lawyers and journalists unreasonably. People were denied human rights like access to clean drinking water, due process rights, fair trials, and humane prison conditions, and were also denied the freedom of speech and assembly. The drought further threatened food security for people. The deteriorating economy of the country further exacerbated the situation. All these factors contributed to the escalation of the movement against the current regime.
The election of Ebrahim Raisi, despite his record of grave human rights abuses, was a vivid illustration of injustice in the nation. Popular opinion was that the campaign had been engineered to put Mr. Raisi in office, and that voting would make little difference no matter the winner.

The Iranian authorities are notorious for their strict censorship of the internet, with popular social media platforms such as Twitter and Facebook banned, and internet shutdowns

2021 roundup

frequently instituted, especially in response to protests. The use of social media platforms and other banned websites in contravention of the government restrictions has resulted in imprisonment, torture and abuse at the hands of the authorities.

The Courts in Iran fall far short of providing fair trials and use confessions likely obtained under torture as evidence. The privilege given to judges to rule a death sentence for crimes some allegedly committed as children is a repulsive flaw in their justice system. The system's other daunting facts are that Iranian law considers acts such as *"insulting the prophet," "apostasy,"* same-sex relations, adultery, drinking alcohol, and certain non-violent drug-related offences as crimes punishable by death. The law also prescribes the inhumane punishment of flogging for more than 100 offences, including *"disrupting public order,"* a charge used to sentence individuals to flog for their participation in protests. Suspicions point toward the system's engagement in torture for evidence, unfair trials and defective investigations.

The tragic fate of the women in Iran sends a chill down the spine. They are subject to harsh hijab laws, no protection against marital rape and child marriage, no access to abortion and cannot go outside without male members of the family. Nevertheless, the women of Iran do not let this inhibit them. The protests last year noticed the active participation of women alongside men.

However, it is not just women that are discriminated against; minorities like the Sunni Muslims are not allowed to conduct cultural and political activities. All this, coupled with the failed pandemic supervision and a decline in living standards, has become an abomination for the residents.

Internationally, there is support for the people suffering in Iran. However, the US and European companies fear legal action by Iran despite exemptions given by their respective nations. They refuse to provide humanitarian goods and services due to the rapidly changing circumstances.

Where do we go from here?

The former president of Iran, Mohammad Khatami, remarked the situation to be a tall *"wall of distrust"*. In order to re-establish harmony in Iran, the religious groups must call a truce. They must work together to curb Da'esh, restart interfaith dialogue and promote tolerance. The former president of Iran, Mohammad Khatami, remarked the situation to be a tall *"wall of distrust"*.

The common ground for both nations should be the purpose of doing right by the people. They must reflect on the cost of war borne by the common man and woman, terminate their blame game and commit to the JCPOA more passionately. Most importantly, Iran must prioritise the human rights of its people and tackle emergencies like the lack of clean drinking water forthwith.

On 5th February 2022, the US restored a waiver to Iran that allows for technical discussions that assist in returning to the JCPOA. The foreign minister acknowledged it but deemed it inadequate. Iran is concerned that the US may renege on the deal, and so demands guarantees against the same. This served as the first step toward reaching a consensus after eight rounds of talks in Vienna.

Several speculations surround the Biden administration's efforts to revive the Iran nuclear deal as of March 2022. The timing appears to be inappropriate due to the current distressed relations of the US with two signatories to the original JCPOA, Russia and China. Any hastened deal could risk Russia's continuation of nuclear energy business with Iran. Tensions are rising once again as Iran is progressively abandoning the caps it committed to a year after the US withdrew. The optimal course would now be for the US to proceed patiently. However, it comes at the cost of skepticism over the US's true intent.

2021 roundup

THE AFGHAN DEBACLE

- SHREENITHI ANNADURAI
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Introduction: The Violent Restoration of the Taliban Regime

In 2001, on 9/11, the Twin Towers were brought into rudiments by Osama Bin Laden-led Al-Qaeda. As a natural corollary, the United States of America (*"US"*) vowed to wipe out those who were responsible. From the world and beyond. By tracking the genesis, the North Atlantic Treaty Organization (*"NATO"*) forces willingly plunged into action on the terrains of Afghanistan. The moment the US and its allies entered Afghanistan, no sooner, the Taliban began to flee from their pulpits of power. The NATO forces were hunting the fleeing Taliban, and over time, they pumped in billions of dollars to refine Afghanistan and make it alien to Fundamentalist ethos. They created civil societies, government establishments, schools and universities and a modern Afghan army. Democracy was introduced; gender equality was advocated to sync Afghan society with the modern world. Simultaneously, the hunt for the wanted continued, and as a result, Osama Bin Laden was killed in 2011. Many other terrorist kingpins were gradually eliminated, and the founder of the Taliban, Mulla Omar's death, was confirmed, and the US began to feel it was getting satiated. As a result, continuing the war incurring material and human loss was taken seriously. The former Trump-led administration started engaging with the Taliban. After which, the Taliban started coming out brazenly in the daylight. Hence, the west started packing up from the Afghan scene by leaving it to puppet democrats and liberals while turning a blind eye to the innocent masses.

In April 2021, President Joe Biden announced the withdrawal of the American troops from Afghanistan, following which, in May 2021, violence erupted. Within the next few weeks, the Taliban had captured many provinces, and in the course of the invasion, 150 Afghan soldiers were killed. After which, the Taliban continued to assert force in various northern provinces; meanwhile, the US army pulled out of Bagram, their biggest military base in Afghanistan. On July 26, 2021, Taliban air attacks intensified with 2400 casualties. In the week after, southern provinces of Afghanistan started falling prey to the Taliban. Within a week, all major cities were captured, and on August 15, Jalalabad was taken over without a fight. Eventually, the Taliban took control of the presidential palace and declared victory.

The Legitimacy of the Taliban

Afghanistan is now reflecting the civic and political principles of the Taliban. It can be seen that the Taliban are trying to maintain a moderate image to become a legitimate functioning government. They are trying to project themselves as respectable and responsible leaders because, without foreign investments, the Afghan economy will crumble. Millions of Afghan money at the hands of the world bank has been frozen using veto power that cannot be unlocked unless the Taliban confirm the international standards of peace and order. After they declared victory, Pakistan, China and Russia recognized them. Furthermore, at all recent meetings with the bodies of the United Nations, their remarks hinted at or instead implied their willingness to engage with Taliban.

As the Taliban seek recognition and legitimacy, the larger question is whether it will confirm international law standards. With the current state of affairs, there are no signs of the elements for a stable government. They are expecting legitimacy to be recognized as a government. However, while assessing their legitimacy, it is to be kept in mind that the same Taliban was accused of providing sanctuary for the Bin Laden-led Al-Qaeda. The days ahead for the Taliban as fighters may be definite, but not for the Taliban as rulers.

2021 roundup

India's Position as a Leading Regional Player

India's unwillingness to jump the gun on recognizing Afghanistan finds validation from most players in the international community. In the past, India had adopted a two-fold approach to Afghanistan - economic and humanitarian. The installation of long-distance power transmission lines, dams and bridges, and key connectivity routes have all benefited from India's help. In addition, India has helped to assist children's education in Afghanistan by supplying mid-day meals. Given India's indisputable contribution to Afghanistan's economic development, there have been repeated requests for India to continue its economic aid programme.

On the other hand, India has decided that Afghanistan's vulnerable needs must take precedence. Instead of working with the Taliban, India has collaborated with other countries in providing aid marking solidarity with the international community. By doing so, India is cautious of the Taliban's exploitative tendencies. In this light, the policy is directed toward humanitarian aid and not active engagement with the Taliban.

India recognizes that preventing the regress of its two-decade-long investments in Afghanistan's development is as vital as providing immediate aid. The long-term assurance would come only by restoring Afghanistan's crumbling socio-economic stability. Considering this, India could be making moves with the objective of not only providing humanitarian aid but also adapting a joint counter-terrorism plan with other regional players. And as a key regional player, India has a lot riding on in the rehabilitation of Afghanistan and has expressed its commitment to deliver humanitarian aid multiple times since the takeover. The same was reaffirmed at The Delhi Regional Security Dialogue on Afghanistan on November 10, 2021. The meeting resulted in a unanimous agreement by all attending countries undertaking a pledge to combat "terrorism in all its forms and manifestations" and called for an *"open and truly inclusive government that represents the will of all the people of Afghanistan"*. By convening the Delhi Dialogue, India has demonstrated its prominence as a mediator concerning Afghanistan's faceted political and socio-economic problems.

India's highlight as a peacekeeping force was its indomitable presence in the Security Council which saw a historic setback. During our presidency in the Security Council in August 2021, over the course of two meetings, the United Nations Security Council Resolution 2593 of August 30, 2021, was adopted to prevent the exploitation of Afghan land, which could potentially be used as a breeding ground for terrorism. The Resolution also naturally demands that the Afghan soil not carry out any terror activities to attack other countries.

As the Taliban sweep continues, the number of displaced Afghans will only rise. This situation could precede massive human rights violations and refugee outflow. In this pretext, India's role has to extend far beyond humanitarian aid and supplies. It is well known that India does not have a national refugee policy. It also brings India's desire to ratify the UN Refugee Convention of 1951 and its additional protocol. In addition, India is also not a signatory to the Conventions on Statelessness of 1954 and 1961. This brings us to question India's non-existent refugee policy and the future of the displaced Afghans in India. It can also have severe repercussions for national security, and drafting an integrated refugee policy is one way to counter it. The absence of a refugee policy has given room for decisions and measures influenced by political and religious agendas rather than constitutional morality.

India's long-standing practice of engaging with refugee crises has been on an ad-hoc basis, with decisions and judgments predicated on case-by-case court interventions. This might lead to the Citizenship (Amendment) Act, 2019 (*"CAA"*) being misconstrued as a refugee policy. It is critical that this legislation not be seen as a refugee policy. The CAA's objective is to streamline the

2021 roundup

process of giving citizenship to a group of persons who have lived in India since its inception. Besides the lack of a legal framework to engage with refugees, such a rigid, sanction-heavy and discriminating approach that CAA has taken impairs India's aspirations to play a leading position and establish influence in South Asia over other regional giants.

2021 roundup

COMPARING CRYPTOCURRENCY LAWS ACROSS DIFFERENT COUNTRIES

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Introduction

Cryptocurrency, a type of virtual currency which combines binary data using cryptographic algorithms to validate and secure transactions, has been in the news due to its major developments for the past few weeks. On January 20th, 2022, Facebook and Instagram announced their plans to create, display and sell NFTs, which uses blockchain technology just like crypto, through various tools and set up a marketplace to buy and sell NFTs. If this is actually executed, it would be the largest scale of recognition for cryptocurrency till date. On January 22nd, 2022, crypto investors lost more than 1 trillion dollars in market value due to a massive crash. Currently, there is no one globalised regulation or convention recognising, regulating or giving international jurisdiction to govern cryptocurrency and try illicit activities related to it, even though it has amassed reach around the world. Because of this, regulations, policies and enforcement mechanisms are not uniform, making its position and stance vague and confusing across different countries, which can be identified as international actors in this issue.

United Kingdom

Even though the nation has not introduced or passed any comprehensive legislation on crypto regulation, it has set up the Financial Conduct Authority (FCA), granting licenses to authorised businesses and exchanges for cryptocurrency trading and exchanges after a thorough examination of whether specific compliances, such as KYC, anti-money laundering (AML) and combating terrorism finance (CFT), were followed or not. Without this registration and detailed vetting, nobody can deal in any activities under the asset class. Since the UK government does not recognise crypto as legal tender, FCA makes sure that these companies are not exempt from corporate tax rules, levies taxes on crypto capital trade gains and regularly issues to warnings to investors to proceed doubly with caution. This taxing depends on what kind of transactions or affairs were taken up and who initiated or was involved in such activities. No firm, even after registration, is allowed to offer derivative training related to cryptocurrencies, which is considered a form of property.

United States of America

Compared to the UK, there are more homegrown investors and companies in the USA dealing with varied forms of crypto, with a special focus on blockchain technology. Though the country has adopted a progressive approach towards cryptocurrency dealings, there is no consensus among the authorities with respect to the status of such organisations and an absence of a centralised regulatory framework. The Securities and Exchange Commission (SEC) considers crypto a security, the Commodity Futures Trading Commission thinks of blockchain as more of a commodity and the US Treasury treats it as a medium of exchange. When it comes to regulations, crypto companies should register with the Financial Crimes Enforcement Network and abide by the Bank Secrecy Act provisions. Apart from complying with AML and CFT requirements, the Internal Revenue Service (IRS) also calls crypto property, similar to the UK. USA's strict federalism principles have allowed to pass their own legislative structures regarding crypto trade. For instance, New York introduced a licensing framework called BitLicense in 2016, which makes firms intending to keep, buy, sell or transfer any kind of crypto acquire permission from the New York State Department of Financial Services, like UK's FCA. Wyoming, another US state, granted many exemptions to crypto traders and developers from the purview of security statues in 2018, subject to certain conditions.

2021 roundup

Canada

This is one of the only countries that put crypto on par with other currencies, especially from a taxation perspective. In February 2021, it pioneered an exchange-traded fund for Bitcoin. Companies conducting crypto investments are categorised into money service businesses and should register themselves with the Financial Transactions and Reports Analysis Centre of Canada. Dealers and traders of such platforms are supposed to register in the provinces they are located in, as per the Canadian Securities Administrators and the Investment Industry Regulatory Organisation.

European Union

Crypto is acceptable legal tender throughout the EU, unlike the UK, where it is just equated to a possession. Major crypto aspects are regulated by individual member States, who opt for a *"soft-touch"* legislative approach and have varying tax rates from 0% to 50%, whereas the ancillary aspects are dealt with by the consolidated Union. The Union has recently enacted 5th and 6th AML directives, which complements the KYC/CFT requirements and other standard procedures to be followed. This relationship was also seen in the UK, US and South Korea. In furtherance of efforts to set up one uniform framework governing EU as a whole, the European Commission released a proposal titled Markets in Crypto-Assets Regulation in September 2020. This draft regulation enables clearer guidelines for conduct with the crypto industry, establishes stricter licensing compliances and adds on to the existing protections for consumers and their interests. Just any other fiscal tools, regulators need pre-approval of any entity trading, brokering, providing investment advice or holding cryptocurrency. Unlike countries like the US and UK, this draft looks at each crypto differently, by classifying them into asset-referenced token, non-fungible token (NFT, as mentioned earlier), and prescribes different conditions to use each type.

China

China initially was highly encouraging towards all crypto-related activities (accounted for 75% of the world's mining in September 2019), but has now taken one of the most conservative approaches and has imposed heavy restrictions on crypto trade markets (ban on crypto mining affected global operations by 40% in June 2021). Just like the UK, China classifies crypto as property under inheritance laws. China introduced the world's biggest crypto exchange, Binance, but the operations moved to the Cayman Islands after the government imposed too many restrictions and rules in 2017. In the same year, legislators prohibited initial coin offerings, which resulted in closure of many crypto trading firms, even though they didn't ban exchanges directly. Even though the government has been receptive to blockchain start-ups like India, the People's Bank of China currently does not allow crypto exchange operations because they believe it enables public financing without approval, which goes against their communist model. Binance.US has banned crypto trades on its platform since August 2021 and many nations across the world have taken regulatory action against its parent company. On the other hand, China is also the first country to introduce a fiat crypto like a digital Yuan, as it was the only one to begin real-world trials, which will be centrally monitored like the normal fiat, but functions differently. Binance.US has banned crypto trades on its platform since August 2021 and many nations across the world have taken regulatory action against its parent company. With effect from May 2021, China has banned bitcoin mining, so many stakeholders have packed up and moved to other jurisdictions like the USA, which support their economic activities atleast by a high degree in comparison.

India

Despite the fact that the nation does not consider crypto as a legal tender, like most of the places we've discussed above, income from them are taxed under capital or business gains as laid down by the Central Board of Direct Taxation, similar to UK policy.

2021 roundup

RBI has also issued a similar warning to crypto investors about the risk involved, just like the UK's FCA. The Supreme Court reversed the 2018 Reserve Bank of India (RBI) decision disallowing financial institutions from dealing in intangible or virtual currencies in 2020. In 2021, the Indian Parliament introduced a bill banning issuing, holding, mining and trading of crypto other than digital assets that the State backs. Since there are more than 5 crores investors in our country, a total ban might not happen, but stricter regulations are set to be imposed. The objective of this bill is two-fold: ensure security in transactions and deterrence of criminal acts, as well as encouraging intellectual property developments in the blockchain and crypto field. This bill states that the regulatory body for any exchanges already established for this purpose would be the Securities and Exchange Board of India. The position as of November 23, 2021 (as per a government notice issued) is that only a few private currencies would be considered valid, as it has hard to define and regulate. It is to be noted that even if this bill is enacted, it is highly improbable that it would become a legally recognised currency.

Conclusion

"One step forward, one step backward" is the trend seen here with respect to the government's approach to regulating cryptocurrency. Most countries are hesitant when it comes to seeing it as just another currency, but within them, there are more countries actively condemning its circulation at different stages. For instance, China was into the idea at first, but later on became one of the countries to heavily crack down on many of its types and aspects. Many regulatory authorities, for instance RBI, are cautiously analysing how this currency would be used in practice and its scope of misuse. The International Monetary Fund has also commented on the need for a stable monetary and financial system, because it has been greatly affected by crypto assets, whether positive or negative. An international treaty, comprehensive regulation or a committee report would be helpful to guide or advise signatories or general member States, because crypto is not going away anything soon.

2021 roundup

THE LITTORAL BETWEEN THE ELEPHANT AND THE DRAGON

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The need for economic growth, threat perceptions between significant powers, proxy wars and the demand for natural resources attract the global powers into the Indian ocean today, making it a hotly contested region. It is in this context that the island of Sri Lanka assumes importance. It is viewed as a strategic asset by India and China as gaining control over this country would be a step towards dominating the Indian Ocean region and South Asia. Any tilt by this island towards these powers would raise alarms in either Delhi or Beijing.

The Significance of Sri Lanka in the Indian ocean

Sri Lanka has a strategic location in the Indian ocean from geopolitics. The trade routes passing around this island carries around two-thirds of the world's oil. History also affirms the geostrategic importance of Sri Lanka as it was ruled by both the Dutch and the Portuguese. World powers (US, USSR, and China) competed to influence this state during the Cold War years. From the Indian trade perspective, Sri Lanka is one of our closest regional markets. The potential of Sri Lanka to ensure trade and maritime security adds to its significance and thereby attracts external powers like China and India.

The China-India-Sri Lanka Triangle

China's foreign policy in recent times has been highly focused on South Asia due to the rivalry with India and the significance of the Indian Ocean region. To counter India's emerging power status, China aggressively positions itself in Indian Ocean littorals. The strategic interests of China via-vis Sri Lanka must be explored in this context. The island possesses natural resources like hydrocarbons, coal and iron. Along with extracting these, Sri Lanka helps China achieve its maritime goals such as *"the string of pearls"*, a maritime silk road or the OBOR(one belt, one road) initiative, thereby enhancing China's grip in the Indian ocean. The ability of China to keep a check on other world powers such as Japan or the USA further strengthens its resolve to acquire Sri Lanka on its side.

On the other hand, India has had religious, cultural and commercial ties dating back to more than 2500 years with its southern neighbour. They continue to cooperate in areas of interest like education, trade and culture. India and Sri Lanka remain each other's largest trading partners. India has successfully used its neighborhood first policy to bring growth and development to this region. Securing Sri Lanka should be a national security goal with a tense climate looming in the Indian Ocean region.

The Dragon's clutch

During a recent visit of Politburo members of the Chinese Communist Party and senior foreign policy officials, President Gotabaya Rajapaksa had hailed the *"selfless help of china"* and said he was seeking a *"Chinese style of development"*. He rejected the notion of debt-diplomacy by China. He rejected the idea that the strategically located Hambantota Port, which was leased to a Chinese company for 99 years after it came under heavy debt, was a *"debt trap"*. The Chinese delegation had also inked a deal to work on two important projects -the Hambantota industrial zone and the port city in Colombo. The port city, a part of BRI, is a 1.4 billion dollar flagship project and was inaugurated in 2014 by Chinese premier Xi Jinping and then Sri Lankan President Mahinda Rajapaksa.

Why the desperation for Chinese investment?

The Pandemic has dented the already weak and war-ravaged economy. Sri Lanka is in dire straits with about 55 billion dollars on the left side of its account books and an average annual repayment

2021 roundup

of around 3 billion dollars. Because of this, Sri Lanka is seeking further loans from China which had already granted a 500 million dollar soft loan in May 2020. It is part of a 1.2 billion dollar syndicated loan taken two years ago from the China Development Bank. Downgrading its credit ratings by the International Monetary Fund (IMF) has exacerbated its financial woes. In mid-2020, Sri Lanka also reached out to India for a currency swap facility worth about 1 billion dollars. A 400 million dollar currency swap facility has already been executed.

Recalibrating Delhi's Approach

India needs to use its *"neighborhood first policy"* effectively. Given that Sri Lanka is desperate for money, India must ensure deeper economic interdependence. Albeit, it cannot match the economic wherewithal of China. India needs to also leverage its advantage over China in the sphere of culture and historical ties and pursue soft power initiatives. India must support and fund the promotion of cultural tourism and Buddhist ties, given that Sri Lanka has a Sinhalese Buddhist Majority.

In September 2020, India had offered a *"line of credit"* worth 100 million dollars for solar projects and 50 million dollars for counter-terrorism efforts. The Bilateral trade stood at 6.2 billion dollars as of 2018-19,there has also been efforts to make fresh investments in the nation.

The Tamil Question

This minority issue remains a thorny conundrum between the two neighbors. There has been a differing perception in the two countries regarding implementing the 13th Amendment. India has always emphasized the need to implement the 13th Amendment. The 13th Amendment envisaged decentralization of power to the provinces according to the Indo-Sri Lanka accord 1987. Sri Lanka has always underlined it would settle the issue internally. The Rajapaksa's have always been vocal critics of both the accord and the Amendment. As the situation of India's foreign policy is volatile concerning China and the Indian Ocean region, it would be intelligent on the part of New Delhi to take a practical approach.

Conclusion

The debt-trap diplomacy practiced by China can lure Sri Lanka into Chinese hands. The citizens of Sri Lanka have also sensed dominance and interference of the Chinese in Sri Lanka's issues, and hence there is growing resentment. India must take advantage of this to thwart China and gain ground in this region. A mutually fruitful relationship can be ensured by actively addressing major conflict points like the capture of Indian fishers regularly by the Sri Lankan navy with impunity. It must also correct the historical mistakes it made in 1987 when it twisted the Sri Lankan government to sign the accord and enact the 13th Amendment. India must realize that any aspect of internal governance must be left to the Sri Lankans alone.

Irrespective of the volatility and power game playing out in the Indian ocean region today, India must ensure a less chaotic Indian ocean region and work with its bilateral partners towards achieving that aim.

2021 roundup

FROM PINOCHET TO BORIC: THE BEGINNING OF THE END

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Chile became the epicenter of anti-governmental protests calling for radical, political, and economic changes in the recent past. The neoliberal order was at risk. Chile was built during the lengthy military dictatorship that began in 1973. The same regime continued under the disguise of a democracy that was proposed in 1990. The transition from a dictatorship to democracy might have made history, but the same rule from the Pinochet era continued with modest social reforms. In September 1973, General Augusto Pinochet took over Chile after a military coup and deposed the former president, Salvador Allende. When in office, Pinochet implemented dramatic changes to recuperate Chile from the profound economic, social and political crisis the country was in. Conversely, the dictatorship's use of authoritarian, restrictive and cruel practices to restructure the society begs the question: whether the changes brought by the Pinochet regime can be considered improvements or the beginning of the next 40 years of legitimized slavery.

The Chilean Neoliberalism

The foundations of the current socio-economic system were laid more than 40 years ago by a group of Chilean economists who studied in Chicago, often dubbed *"the Chicago boys"*. General Augusto Pinochet adopted their recommendations, ratified in the 1980 Constitution. The 1980 Constitution was founded on the principle that the government should not participate in the production. Property and ownership rights were given absolute primacy over all other rights throughout the 1970s, in addition to the privatization of state-owned enterprises. The market forces that govern the country's economy have benefited the most from this privatization. They are an oligopoly made up of a few businesses capable of colluding together and rarely ever getting prosecuted. This is the Chilean economic model; this is Chile's neoliberalism.

According to the World Bank, 33% of the state's yearly income is accumulated by the wealthiest 1% of Chile. Furthermore, as per the Gini index, the most widely used measure of inequality, Chile is among the most unequal of the world's 30 wealthiest countries. Only through taking on debt have the vulnerable and destitute middle classes been able to sustain access to goods and services. Debt incurred for the purchase of food, clothes, education, and healthcare. On October 18, 2019, what broke was just the culmination of years of humiliation and indignity brought on by debt and poor wages. It was a way of life that did not allow for a basic standard of living.

Over the last 15 years, students have been demanding a less stratified education system, which was largely privatized during Pinochet's reign. Protests in 2019 followed a similar pattern. Students invaded universities and educational institutions, calling for an end to high tuition costs and corresponding personal debts. Everything has been marketed and privatized in some way. Education, health, public services, and the quality of life were all based on the ability to pay.

Public discontent goes beyond health or education. There is also a fit of widespread anger about Chile's privatized pension system. It has long been criticized for its underperformance, low returns and delayed payouts. Chile's current pension system is unique in the whole world. A portion equivalent to 10% of a salary goes exclusively to an individual capital pension fund. Launched in the 1980s, under this scheme, one would deposit a part of their monthly income as savings for future pension. This money is

2021 roundup

administered by private pension institutions that profit and charge an administrative fee. When the first generation of people started pensioning, they discovered 30 years later that their pension was miserable. The current system that forces the workers to give their earnings to full profit funds only provides a third of their previous income. Nevertheless, its defenders argue that it contributes to the economy's growth.

The call for a new Constitution

In the years leading up to the 2019 uprising, the goal of replacing the Constitution began to circulate in popular movements. At the end of the 1970s, after modifying the Constitution of 1925, to concentrate and expand the regime's power, Pinochet ratified it through a plebiscite with no electoral lists and no political opposition allowed. The issue of constitutional transformation holds significance because a) the current Constitution reflects the incomplete or instead failed transition from a dictatorship to a democracy and b) most of all, it opposes the foundations of a functional democracy. The Constitution of Chile guaranteed the privatization of life in Chile. Every time there was even a remote attempt to get to the bottom of the neoliberal model, the Constitution confronted it.

On October 25, 2019, more than a million people took to the streets of Santiago demanding the resignation of President Sebastian Piñera. After weeks of protests and demonstrations, the political establishment finally caved in and agreed on changing the country's Pinochet era Constitution. Campaigns for and against the constitutional change began in March of 2020 with the society still affected by the violence seen on the streets. However, much of the political establishment was hesitant to sign the accord. The accord was signed by Gabriel Boric, a former student leader and a legislator. By doing so, he was going against his political party to show unity with the millions of Chileans who worked for this day. As a result, this garnered nationwide support and campaigns for his political leadership were kick-started. In a plebiscite held in October 2020, about 80% voted to form a new Constitution. This set off the fall of the diabolic Pinochet Constitution.

The end of an era

The right was reduced to a minority in the May 2021 elections, without the veto power that it traditionally had. A far-right candidate, José Antonio Kast, who openly defends the military dictatorship and advocates against drafting a new Constitution, now leads the conservative opposition. Boric received over 56% of the vote in the second-round election on December 19. Boric's victory signaled the end of the transitional political system, which the Concertación and the conventional right had previously dominated.

Since the transition to democracy in 1990, there has been a consensus that the broad outlines of Pinochet's economic policy would be maintained by the governments of both center-left and center-right. However, for the first time in 40 years, a president will work to change the existing political model that prioritizes a free-market economy, which is believed to be responsible for all prevalent social inequalities. That is what is most significant about this election. Boric has vowed to break with that consensus to create a social-democratic Chile.

Chileans have great expectations of their new President-elect, Gabriel Boric. However, Boric faces a congress that is split 50-50 between his supporters and his opponents, which means he will have to make huge concessions, and that begs the question of how long will the enthusiasm of the Chilean people last? Nonetheless, the far right's dominance serves as a reminder of the instability of Chile's political system and the transient nature of the left's accomplishments. The current state of affairs is far from breaking down Chile's neoliberal democracy; however, Boric's win marks the beginning of the end, that of Pinochet's legacy. He won with a clear majority, but he also has a very divided country. There definitely will be a clash of expectations versus what can be done in the near time frame.

2021 roundup

HONG KONG - A SILENCED CITY

- DIVYA GOVINDAN
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Introduction

Hong Kong, a former British colony turned Chinese Special Administrative Region (SAR), has been in a battle for its future. The people demand autonomy and democracy in the face of increasing political interference and repression from Beijing.

Hong Kong's political system and legal basis of autonomy

Hong Kong's handoff to China from the British government nearly two decades ago was built on the understanding that Hong Kong would enjoy the status of an SAR. It would be left to manage its affairs based on the *"One Country, Two Systems"* unification policy that was implemented to integrate Hong Kong, Taiwan, and Macau into mainland China while retaining their autonomy and economic freedoms. The Basic Law is Hong Kong's constituting document that protects the city's capitalist system and executive, legislative and judicial autonomy for fifty years, i.e., until 2047.

Basic law and controversial interpretations

While Hong Kong's basic law grants the region special autonomy, the National People's Congress Standing Committee (NPSC), China's primary legislative body, reserves the right to interpret the law on questions concerning the Central People's Government in Beijing, or the relationship between Beijing and Hong Kong, at the request of the Hong Kong Court of Final Appeal (CFA).

This power of interpretation has been grossly misused over the years, eroding the democracy and autonomy enjoyed by Hong Kong, with the most controversial interpretations issued in 2004 and 2016.

In 2004, two annexes to the Basic Law were interpreted by the NPCSC. The annexes laid out that amendments to electoral procedures must be passed by a majority of Hong Kong's Legislative Council and approved by the NPCSC. The 2004 interpretation of the annexes was controversial on two counts. First, it was a self-imposed interpretation with no referral by the CFA. Second, it added two new rules to the amendment process (a move that is already beyond the scope of the power of interpretation), requiring the Chief Executive to report to the NPCSC about any amendments to the method of elections, after which the NPCSC could then confirm it's necessity. This interpretation severely curbed Hong Kong's autonomy in determining and reforming its own democratic processes.

In 2016, the Hong Kong Electoral Affairs Commission (EAC) added a new requirement to the electoral process, stating that all candidates wishing to run for the Legislative Council *"Legco"* must fill out a confirmation form affirming Hong Kong to be an inalienable part of China - constituting a grave infringement on the right of peaceful expression and the right to hold political opinions. As a result, multiple pro-democracy candidates were disqualified because their ideologies and *"insincerity"* were *"incompatible with the Basic Law."* This move was challenged by activists and lawyers, but an interpretation was soon issued confirming the validity of this disqualification.

Extradition bill, national security law and the two-year protest

The protests that erupted in 2019, Hong Kong's largest protests yet, were triggered by the highly controversial Fugitive Extradition Bill. The Bill was proposed after a Hong Kong man allegedly

2021 roundup

murdered his girlfriend in Taiwan, and then returned to Hong Kong to evade arrest. The lack of an extradition treaty between Hong Kong and Taiwan would've made prosecution difficult, hence prompting authorities to make the proposal which would allow the Hong Kong government to accept extradition requests from any country, including mainland China.
This sparked mass outrage as the Bill would now enable authorities to legally extradite activists and protestors to face trial in China, a prospect that poses the risk of human rights abuses and unfair detention.

The Bill sparked the largest protests in Hong Kong's history, with close to two million attendees marching to protect their civil liberties. What started as a peaceful march quickly turned violent, with police unleashing tear gas, physically assaulting and even shooting protestors. The protestors had five demands: Complete withdrawal of the bill, for the protests to to be characterised as riots, amnesty for arrested activists and protestors, an independent inquiry into the alleged police brutality, and the implementation of complete universal suffrage.

While Carrie Lam's government first suspended the Bill in June, and eventually withdrew it in September, the protests did not end as the other four demands were still unfulfilled. In response to the continued protests, the government soon introduced the highly controversial National Security Law (NSL), which effectively brought all demonstrations to a standstill due to its active criminalisation of all forms of dissent.

The NSL lays down new bureaucratic and organisational structures for the State. It establishes a Hong Kong national security committee whose decisions are exempt from judicial review, with an advisor appointed by the central government in Beijing.

The law penalises secession, subversion, terrorism, and collusion with foreign powers, all broadly defined, ambiguous terms, with maximum penalties of life imprisonment. This has led to mass arrests of activists and protestors, strict bans on public assemblies, the withdrawal of Amnesty International from Hong Kong in fear of reprisals, and the shutdown of pro-democracy newspapers and media outlets such as Stand News and Apple Daily, which has had a chilling effect on the movement. Within an hour of implementing the draconian law, prominent activists withdrew from politics or fled Hong Kong, and within a week, seven politically active pro-democracy groups disbanded. Police even claim that holding up blank pieces of paper amounts to subversion under the new law and have arrested people for the same.

However, what has angered the public the most is that the law enables authorities to transport suspects to mainland China to face trial. International human rights bodies and legal experts worry that this will lead to torture, arbitrary detention, and other abuses of human rights that amount to violations of the International Covenant on Civil and Political Rights (ICCPR), in particular, the right to freedom of expression under Article 19 and the right of peaceful assembly under Article 21, and the Universal Declaration on Human Rights (UDHR), such as the right against cruel, inhuman or degrading treatment or punishments as under Article 5, and the right to a fair trial as under Article 10, as in the case of the 2015 lawyers' crackdown.

Peculiarly, Article 38 of the NSL extends it's jurisdiction beyond the territory of Hong Kong and to everyone, irrespective of their status as a resident of Hong Kong. This means that any person can be deemed to have violated this law and is a threat of arrest and prosecution if they are on Chinese soil. Foreign nationals accused of crimes under this law risk being deported without a trial. This also has worrying implications for the internet, as authorities are empowered to force social media companies all over the world to comply with content takedown or account suspension orders for posts unacceptable to the Chinese government. The extraterritorial application of this law is violative of State

2021 roundup

sovereignty and the customary international law principle of non-intervention. However, the authorities in Hong Kong justify this under the principle of protective jurisdiction, as a legitimate countermeasure against breaches of it's own sovereignty and national security.

The democracy movement has thus dwindled in Hong Kong with dozens of activists arrested over two years. It remains to be seen how activists will adapt - with a new threat arising to the city's officials implementing their own version of the national security law in addition to Beijing's rules. The city's identity is inextricably linked with the desire for autonomy, and while such draconian laws might have an immediate impact on silencing the movement, they will not suppress the demand for democracy forever.

2021 roundup

THE WORLD IS BECOMING MORE AUTHORITARIAN

- SOUMYA JM

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"*Freedom of the press is not just important to democracy; it is democracy"* - Walter Cronkite.

The world has seen models of democracy fail time and again. The work of the press mends the flaws. The media is the ultimate form of communication between those in power and those that elect them to power. Like Nelson Mandela, many proclaim a free press to be one of the pillars of democracy. Constitutions around the globe recognise this imperative right along with the freedom of speech and expression. Regrettably, all progress made by world leaders in establishing this has gone for a toss. The International Institute for Democracy and Electoral Assistance (International IDEA) found that the number of countries moving in an authoritarian direction in 2020 outnumbered those going in a democratic direction. The findings of the Global State of Democracy Report 2021 call attention to the regrettable downfall of the world of predominantly democratic governments. It brings out how the voice of the press is being controlled with acceleration.

The catalyst: COVID

The pandemic has only made things worse. The International Press Institute (IPI) tracked 623 press freedom violations worldwide linked to COVID-19, including arrests and charges, censorship, restrictions on access to information, verbal, online or physical attacks against journalists and media organizations. Over the past two years, several nations have passed laws or taken actions to restrict freedom of expression and access to information under the guise of combating misinformation about the pandemic. Democratic freedoms are alarmingly being constrained within democratically approved legal frameworks. While the pandemic certainly aggravated the situation, most sources suggest that democratically elected governments have been increasingly adopting authoritarian tactics from aforetime. There is now a palpable global pattern of democratic backsliding.

Incidents in India

The bitter disruptions of press freedom in India have become the talk of the town. The IPI remarked, "*With 84 cases, India accounted for the greatest number of violations in the South Pacific region. As many as 56 journalists were arrested or charged under various laws, and 23 journalists came under verbal and physical attack. The Indian government resorted to various tactics to prevent independent media from criticizing the government and reporting about the pandemic".* Reporters Without Borders (RSF) ranked India at 142 on the World Press Freedom Index in 2021. The Centre infamously disagreed with it for being *"questionable and non-transparent"*. The NGO called it "*one of the world's most dangerous countries for journalists"*. The index indicated that the situation worsened drastically since the BJP won and that the government had a field day with the pandemic. It also emphasized the horrifying situation in Kashmir. Sweden's V-Dem Institute marked India as an *"electoral autocracy"*. The consolidation of a Hindu-majoritarian brand of politics, the excessive concentration of power in the hands of the executive and decay in independent institutions, and a clampdown on political dissent and freedom of the press are crucial growing concerns.

Acceleration toward the Authoritarian approach

Another significant challenge the lack of press freedom has led to is failing to keep a close check on the government. The people and the elected are losing to collaborate to grow as a society and are, in fact, moving backwards. Governments around

2021 roundup

the globe are accepting less accountability on all accounts, from violation of fundamental rights to climate mitigation strategies. There has been an increase in the number of countries losing judicial independence, as in the horrid case of Poland. Andrzej Duda won re-election after heavy criticism for initially bypassing parliament and the National Electoral Commission. Objections were raised about unconstitutional changes to the electoral law less than six months before the election, the removal of functions from the National Electoral Commission, and COVID-19 restrictions on campaigning that favored the incumbent party. It breached the European Union (hereinafter, 'EU') law by its disciplinary system for judges, passed restrictive abortion legislation, resorted to xenophobic, homophobic and antisemitic rhetoric, and the misuse of state resources. Restrictions on journalists have intensified, and LGBTQIA+ activists have continued to face harassment and arrests through the establishment of 'LGBT-free zones'.

The media's lack of diversity of opinions coupled with the extreme government control is shamefully adding insult to injury. The shift in media sources, the greed of revenue through advertising, and the desire to stay relevant and the center of attention have profoundly affected the integrity of the already ramshackle media. This is evident in the raiding in the only remaining printed newspaper critical of the regime in Nicaragua. In Kashmir, the government suspended all forms of communication from the Internet to the telephone, imposing the longest e-curfew in history. RSF noted that journalists were arrested with all completely baseless accusations to intimidate them merely.

Looking back to move forward

The situation makes one re-examine the social contract between the government and the people. The media is the righteous link of communication that audits the government's actions and actively participates in the system for a thriving democracy. The legislation that is briskly restraining freedom of the press today must revisit its purpose.

In order to move forward, a democracy must redirect its focus on growing an accountable, transparent government, reassuring the people's fundamental rights and including more media participation for adequate checks. Most importantly, one must recognise that no good came from the authoritarian narrative that the pandemic world resorted to. The response to an emergency must not be at the cost of one's voice.

In the words of Thomas Jefferson, *"Our liberty depends on the freedom of the press, and that cannot be limited without being lost."* Every voice silenced takes us backwards, far from a democratic world.

2021 roundup

REGIONAL DEVELOPMENTS IN PIL IN SUDAN

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In 1948 the Universal Declaration of Human Rights laid the foundation on nationality for the recognition of other rights. The African charter on Human and People's rights of 1981 does not contain a provision on nationality. However, the African Commission has found that the provision in Article 5 that *"Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status"* prohibits attempts to denationalise individuals and render them stateless. Dual nationality was looked down upon in international law. Conventions such as the Hague convention of 1930 were aimed at minimising dual nationality. However several countries including Sudan openly welcome this concept today. After the 1994 Citizenship law, Sudanese have the right to hold two passports. In any event, given that the Citizenship law of the Republic of Sudan will remain in force until amended, those who become nationals of South Sudan are likely to have dual nationality with the Republic at least for a while, unless South Sudan requires renunciation of previous nationalities.

The international relations of Sudan are in line with the Muslim Arab world and depends on its economic ties with Russia and China. Sudan is a charter member of the Organization of African Unity (OAU). The aim was to keep the OAU out of civil war. Sudan is a member of Intergovernmental Authority on Development (IGAD). IGAD was critical in terminating the war between Khartoum and the Sudan People's Liberation Movement but otherwise was not effective in mediating regional conflicts because of serious differences among its members, especially Ethiopia and Eritrea. Sudan is also a member of the Arab League and relied on it strongly for support for activities such as reconstruction after war. In 1956, Sudan joined the United Nations. Since Sudan was engaged in the civil war continuously, it was a subject of many UN resolutions. The United Nations is committed to emergency response and disaster preparedness in Sudan, with UNDP's support. Sudan has bilateral relations with several countries in Africa, Asia, Europe and the Americas. In Africa, Sudan has strong ties with Chad, Egypt, Ethiopia, Morocco and several other countries. Mexico, Brazil and Canada have all established diplomatic relations with Sudan and have their respective embassies located there and vice versa. The European Union (EU) served as an important barometer of Western political views toward Sudan's policies and sometimes offset more critical American positions. The EU, for example, tended to be more understanding of the problems facing Sudan in resolving the crisis in Darfur. It also declined, unlike the United States, to call the killings in Darfur genocide. It engaged in constructive engagement with Sudan and was reluctant to impose sanctions, but it was willing to decrease or stop development aid in response to Khartoum's crackdowns and had imposed an arms embargo. The EU's principal concern in Sudan was humanitarian assistance, help with conflict resolution, and implementation of the CPA.

The South Sudanese Civil War is a conflict between forces of the government and opposition forces. The unresolved conflict between Sudan and South Sudan continue to linger even though there have been international attempts to combat this. The problem of the amount of money that the Sudanese government should receive for the oil pumped in South Sudan but transported through Sudan's pipelines and exported via Sudan's infrastructure was particularly troublesome, and the failure to reach an agreement regarding those

2021 roundup

fees came to a head . By 2018, opposition groups joined the South Sudan Opposition Alliance (SSOA) in order to negotiate with the government. Disarmament campaigns led by the government has led to resistance, with clashes killing more than 100 people in two days in north-central Tonj in August 2020.

2021 roundup

RUSSIAN ANTI SATELLITE MISSILE LAUNCH ASSERTS THE NEED FOR STRENGTHENING OF INTERNATIONAL SPACE LAW

- BY NAYANA JM

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International Space law has attracted global attention on the question of various international issues with respect to space environment protection and regulation. Russia's recent activity has heightened the consequences of the space arms race. On November 15 2021, Russia launched a Direct Ascent Anti Satellite [ASAT] missile against its existing satellite. This was the third of its kind since 2007, and the resulting orbital debris has gathered international attention towards rapidly declining sustainability of the orbit around the Earth. The PL19 Nudol system interceptor missile was aimed at striking the defunct satellite COSMOS 1408 from the Soviet era. The test was essentially conducted for the purpose of ascertaining the capacity to destroy a satellite in space. Nevertheless, this move was also a projection of power in the arms space race, as a response to the US's space dominating activities. This test, however, has resulted in generation of trackable orbital debris of over 1,500 pieces, in low- Earth orbit [LEO]. Since such debris was released into higher orbits, traveling at immense speed, the same could linger for decades and is highly possible to cause catastrophic damage to satellites and the space environment.

As an impact of conducting this test, the problems of space sustainability have arisen with the heightened collision risk that other artificial objects face in the LEO. The amplified need to develop a new international legal framework with respect to space exploration must push to galvanize voices to ban weapons testing in space. The state actors who have shared interest in ensuring sustainability of Earth's commons. The journey towards creating multilateral agreements on ASAT testing has witnessed divergent approaches from countries of higher demonstrated potential, including China, United States, Russia and India. However, its plummeting efficiency was highlighted and its urgency was highlighted post Russia's recent tests. Since all these countries are capable of maneuvering objects in space, such unregulated actions pose a threat to the stability of space- with respect to terrestrial warfare, GPS, communication satellites, command and control satellites, etc. for all of mankind.

When the US set up the Space Force in 2019, they asserted that *"space is a warfighting domain"*. Furthermore, NATO used similar nomenclature establishing space as an *"operational zone"*. The activities undertaken by major global powers are inclined towards space dominance and offensive space control. All of such measures and activities vehemently go against the spirit of international space law, which is evident in the major treaties. Article I of the Outer Space Treaty of 1967, states that outer space is the *"the province of all mankind"*, Article II elucidates that *"no State shall claim sovereignty in outer space"*. Article III establishes that all activities undertaken in outer space shall be *"in accordance with international law"* and *"in the interest of maintaining international peace and security and promoting international cooperation and understanding"*. Article IV asserts that the Moon and other celestial bodies shall be used and accessed

2021 roundup

"exclusively for peaceful purposes". Article IX requires that States are to be guided by the *"principles of cooperation and mutual assistance"*. The Article also obliges states to ensure that 'harmful contamination' of space resources is avoided, and explains that the conduct of exploration must ensure *"due regard to the corresponding interests of all other State Parties to the Treaty"*. In the event of any *"potentially harmful interference with the activities of other State Parties in the peaceful exploration of space… it shall undertake appropriate international consultations before proceeding with such activities"*. Therefore, Russia's actions clearly violate Article IX of the Treaty since the debris created affects the interests of all other States. Russia's contentions revolve on the lines of subjective judgements and state that their activities do not pose any 'obstacles or difficulties' in space exploration.

These laws were framed essentially five decades ago and most of them are heavily subject to interpretations, therefore, the countries have been exploiting them through loopholes for decades. Furthermore, Article IV of the Outer Space Treaty only prohibits placement of nuclear weapons or weapons of mass destruction in outer space, but no international space legislations explicitly bans ASAT testing. The Treaty on Prevention of Placement of Weapons in Outer Space lacks support from the United States and is criticized for absence of verification measures and lack of definition of the term *"weapon"* in space. In 2015, the International Code of Conduct for Outer Space Activities also lost support from the US and was not implemented. Ultimately, the existing legislations on international space conduct and regulations were drafted decades ago, which do not efficiently address the present day problems and dichotomy. The states exploit these weak laws and at the same time, are not cooperating to introduce a more defined and stringent legal framework for space regulation. Creating a safe, operational and healthy space environment is the responsibility and shared interest of all global powers in the space arms race- this is to ensure sustainability and to protect their future activities- commercial, civil, national, etc. in the field. It is of prime importance to address the pressing issues of weapons testing, debris, exploitation of space resources, lack of regulation, etc. in order to ensure that the space is not exploited beyond repair.

In an attempt to address the diverse approaches of various States at global scale, the United Kingdom passed a resolution in the United Nations General Assembly in 2020 focusing on addressing space threats through reinstatement of responsible behavior, principles and norms instead of punitive measures. The resolution is seen to have the potential to give rise to a legally binding treaty. State and non-State actors were invited to *"share their ideas on further development and implementation of norms, rules and principles of responsible behavior and on the reduction of the risks of misunderstanding and miscalculations with respect to outer space"*. With the intention of ending the space security stalemate, an open-ended working group is to be convened in 2022, which would work on space security measures, introduce strict regulation of ASAT tests and its potential ban, thereby, creating more space for multilateral solutions. The resolution places impetus on behavior, instead of technology itself, thereby addressing the fear of constraint on missile defense of States.

In contemplation of ensuring sustainability and safe access to the space environment, it is imperative that States and global leaders take necessary steps to set up stringent and revised international legal framework, which could regulate the space activities of States, legally ban weapons testing and ensure that the space environment does not get exploited and polluted to an irrevocable extent.

2021 roundup

LIBYAN ELECTION CRISIS EXPLAINED

- MERLIN B
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Gaddafi's reign-

Muammar Gaddafi became Libya's de facto leader on September 1, 1969 after leading a group of young Libyan soldiers in a bloodless coup against King Idris I. The Revolutionary Command Council (RCC), led by Gaddafi, dissolved the monarchy and the previous constitution and formed the Libyan Arab Republic, with the slogan *"freedom, socialism, and unity,"* after the king fled the country.

After assuming power, the RCC government began a process of allocating funds to provide universal education, health care, and housing. Public education became free, and mandatory for both sexes. Medical treatment was made free to the people, but the RCC government was unable to accomplish the job of providing homes for all. Under Gaddafi's rule, the country's per capita income increased to US$11,000, making it the sixth highest in Africa. However, increased domestic political repression paralleled the rise in affluence, which was followed by a divisive foreign policy.

In the backdrop of the Arab Spring, a civil conflict erupted in early 2011. On February 27, 2011, the anti-Gaddafi rebels established the National Transitional Council. It was supposed to serve as a transitional authority in rebel-held territory. On March 21, 2011, a multinational coalition led by NATO forces intervened in support of the rebels, after atrocities committed by both sides during the course of the conflict.

Gaddafi and his entourage were named in an arrest order issued by the International Criminal Court on June 27, 2011. Gaddafi's regime was toppled when opposition forces captured Tripoli on August 20, 2011. However, pockets of resistance maintained by pro-Gaddafi troops remained active for another two months, particularly in Sirte, Gaddafi's birthplace which he later named the new capital of Libya on September 1, 2011.

The electoral process during Gaddafi's reign was structured as an indirect system of voting - The Head of Government was elected by the General People's Congress, whose members were elected indirectly through a hierarchy of people's committees. Suffrage was universally granted to persons 18 years of age or older, and voting was mandatory.

The Current Issue - Libya's Election Dilemma

Merriam Webster defines universal suffrage as the right of all adult citizens to vote in an election. It can be further described as the right of citizens in a society, to elect a government to represent.

Usually, the only restriction imposed in the application of this right is a minimum age requirement.

International endorsement for the UN Action Plan for Libya in 2017 strengthened the idea that an election would be required to stabilise the country, which was eventually scheduled to be held in 2018.

However, as a suicide attack on Libya's High National Election Commission (HNEC) on May 2018 revealed, safeguarding balloting across the war-torn country would be a huge challenge. Furthermore, an electoral legislation must be approved, but this will be contingent on an agreement between the rival House of Representatives (HOR) in the east and the High State Council in Tripoli (HSC). The parties will not have enough time to negotiate a deal unless they can do it during Ramadan, which finishes on June 14th 2018. In 2018, the parties did not have

2021 roundup

enough time to organise a constitutional referendum and election round.

Fortunately, the UN Support Mission in Libya (UNSMIL) and its allies are working to provide constructive alternatives to these elections - Organising a national convention, boosting economic growth and service delivery through the implementation of aid programs, holding municipal elections and advancing dialogue with militias, are some of the items on the agenda.

Mixed Record since the Revolution

Libya has held three national elections since the 2011 revolution: the General National Congress (GNC) election in July 2012, a separate Constitution Drafting Assembly (CDA) election in February 2014, and a successor parliament election in June 2014. Libya has held no elections since its independence in 1951, save for limited parliamentary polls under the monarchy. However, the country's progress toward stability has not been assured by this unfettered exercise of the vote box. Many analysts, on the other hand, have linked the current national division to the timing, sequencing, and faulty design of Libya's post-2011 elections.

Sceptics have previously said that the country required more time to prepare for elections and establish conditions that would allow a newly elected parliament to succeed. In the end, the former fear turned out to be unfounded, while the latter proved to be accurate. Libya's electoral commission, with the assistance of international election experts, conducted a well lauded round of voting. However, as soon as the parliament was seated, difficulties arose. The process of electing a prime minister and forming a government took months. Confusion and dysfunction resulted from the convoluted electoral rules, which divided seats between party-affiliated and independent legislators.

Registration and participation fell substantially between the GNC contest in July 2012 and the CDA and HOR polls between February and June 2014. Whereas 62% of registered voters voted in the GNC election, just about half of that number registered in early 2014, and only about a third actually voted in the CDA election. In June, the HOR balloting had a similar low attendance, prompting questions about the vote's validity. Eventually, some members, mostly from western Libya, boycotted the HOR, resulting in the formation of two administrations, which exist today despite international efforts to recognize just one.

Alternatives

Instead of planning for three possible national elections this year, UNSMIL could consider focusing on implementing an already ambitious set of initiatives at the heart of Salame's action plan, with the support of important Western and regional allies, notably the United States: facilitating municipal elections, such as those held in Zawiyah on May 2018; increasing the funding and work of the UNDP and other development agencies to implement infrastructure and service-delivery projects; convening a national conference this summer to develop a better sense of Libyan identity and shared priorities; and continuing the militia conversation in order to produce an agreed-upon action plan for militia unity and an election security framework.

THE ROLE OF U.S.A

Each of these areas of work should be supported by the United States, which has done so quietly in a number of situations. In recent weeks, Washington has offered maintenance and technical assistance to HNEC with respect to the Voter Registration System, signed a deal to enhance the capacity of Libya's General Electricity Company, and backed the Zawiyah municipal elections. However, the size of these initiatives should be increased. For example, previous cooperation with municipal councils should be expanded to ensure that the newly elected councils play a bigger role in planning and executing development initiatives. The US could also assist in the militia talks by sending a team of experienced Iraqi officers to advise the UN on how to broker factional coalitions.

A Critical Election

Mr. Ján Kubi, the Secretary-Special General's Envoy on Libya and the head of the UN assistance mission in the country, stated, *"It is up to the*

2021 roundup

Libyan authorities and institutions to exploit the chances of the recently restored embryonic unity and sovereignty to continue the political transition" (UNSMIL). He detailed the progress accomplished since the October 2020 ceasefire deal, the establishment of a Libyan Political Dialogue Forum, and the beginning of the process of reunifying the country's state institutions. He urged all parties to redouble their commitment to the Libyan peace process and maintain the course ahead of the crucial December elections. Despite the progress achieved in preparing for the presidential and parliamentary elections on December 24, including the manufacture of 2.3 million voter cards, he noted there are still more measures to be taken. By July 1, the House of Representatives must explain the constitutional basis for elections and pass the appropriate electoral laws, giving the country's High National Elections Commission adequate time to prepare for the vote. According to the Speaker of the House of Representatives, a draft bill on direct presidential elections is ready to be submitted to the chamber. Mr. Kubi cautioned that if the bill is not passed, election preparations will be worthless.

The Current Dilemma

The United Nations said that Libyan delegates failed to agree on a legislative framework for holding presidential and parliamentary elections later this year, jeopardising an agreed-upon plan to end the crisis there. The Libyan Political Dialogue Forum, a 75-member group made up of Libyans from all walks of life, wrapped up its five-day meeting in a hotel outside Geneva on 1st July 2021, according to the UN assistance mission in Libya. Participants in the United Nations-mediated discussions debated numerous ideas for a constitutional foundation for the elections, some of which contradicted the roadmap that set the vote for December 24. Others attempted to build preconditions for holding elections as scheduled, according to the mission.

According to the UN mission, LPDF members formed a committee charged with bridging the gap between the suggestions presented to the forum. However, the impasse continued. Over a dozen members of the LPDF chastised the UN mission for proposing that the conference vote on options such as maintaining the present administration in power and merely having parliamentary elections. The forum nominated the administration, led by Prime Minister Abdul Hamid Dbeibah, earlier this year in a vote marred by allegations of corruption. Its major mission is to prepare the country for elections in December in the hopes of bringing the country back together.

Conclusion

Since the NATO-backed revolt that overthrew and murdered longtime authoritarian leader Muammar Gaddafi in 2011, Libya has been plagued by corruption and unrest. In recent years, the nation has been divided between a United Nations-backed administration in Tripoli and competing authorities in the East. Armed organisations and foreign governments back both sides.

In December 2020, the United Nations estimated that at least 20,000 foreign fighters and mercenaries, including Turkish troops, Syrians, Russians, Sudanese, and Chadians, were present in Libya. In April 2019, east-based commander Khalifa Hifter and his men started an attack to take Tripoli, supported by Egypt and the United Arab Emirates.

After Turkey increased its military backing for the UN-backed government with hundreds of troops and thousands of Syrian mercenaries, Hifter's 14-month campaign came to an end. A cease-fire agreement signed in October led to a settlement on December elections and the installation of a transitional administration in February. The agreement set a deadline of 90 days for all foreign soldiers and mercenaries to depart Libya, but that deadline has yet to be reached.

2021 roundup

INTERNATIONAL LABOUR ORGANIZATION'S STAND AGAINST VIOLENCE AND HARASSMENT IN THE WORKPLACE

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Introduction

In June 2019, the International Labour Organisation (ILO) introduced Convention No. 190, the first international convention to give equal importance to the human right not to be violated inside or outside work. This treaty was officially applicable in June 2021, and focused on gender-based harassment from a wider perspective than what is usually considered as work. For instance, C190 recognises that nobody should be degraded on the journey or regular commute to their workplace, because this is a case arising out of work. Like all other treaties, governments across countries shall ratify C190 by framing suitable domestic legislations related to the subject-matter. India has not adopted this convention yet, but has enacted a gender-specific statute aimed at preventing and protecting women from sexual harassment at work, titled Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

The ILO had previously defined sexual harassment as some sort of quid pro quo or hostile working environment as part of their *"Declaration on Fundamental Principles and Rights at Work"*, but this convention aims to go beyond these basic concepts and look at the victim's *"work life"* and all elements within it. As per Article 1 of this Convention, violence coupled with harassment is sufficient to culminate into a situation of abuse or violation of human rights. This does not have to mean physical or sexual misconduct, but can also mean a scenario where inequality or discrimination is present. Example: An Asian woman in Canada might face dual oppression because of her race as well as gender. According to Article 4(2), all Member States are required to implement national policy that is inclusive, gender-responsive and collaborative. C190 along with ILO Recommendation No. 206, set up as part of a global campaign to spread awareness about what constitutes violation and harassment at work, specifically lay down varying levels, organisations and structures in the field of work. These indicate the significance of inclusivity in social dialogue among governments and between those representing employees' and employers' interests.

Analysing Chief Developments

1. Leave for Survivors of Domestic Violence or Victims of Sexual Harassment at the Workplace

35% of women worldwide have experienced physical/sexual domestic violence, either in intimate relationships or outside it, which can include any place where they work. Most is intimate partner violence. ILO has looked at the impact of unions formed to protect survivors of violence and harassment at the workplace across the world. This seems like an effective solution in two ways: It shows other employees that, irrespective of their position, they will not get away with such persecution and give the victim time to heal from the trauma caused to them. The way this is usually enforced is by unions representing these victims and negotiating with governments to provide paid leave for such

situations through a law or public social security schemes. Even though paid leaves are available in countries like the Philippines, Canada and Australia for such problems, they are inadequate, extending to only 5 or 10 days of leave. The ILO proposes a sort of customisation mechanism instead, where the number of days off can be extended beyond 10 days, depending on the situation. Example: An unsolicited compliment about someone's appearance can be treated differently than touch with a sexual intent. Alternatively, the victim can be granted the standard 10 days as paid leave, and rest of the leave (if required) as unpaid leave if employers and other stake-holders are worried about misuse of the law.

2. Say "No" to Unfair Working Conditions and Practices

This can include forcing women (especially those are pregnant) to undertake precarious work arrangements, giving workers no time to rest, giving impossible goals and deadlines, micro-managing, making them unnecessarily work odd hours unnecessarily (depending on nature of the job), forcing workers to travel unnecessarily without making suitable arrangements. Example: The Maharashtra State Transport Kamgar Sanghatana (MSTKS) Union in India released a study that showed that 60% or more pregnant bus conductors suffered miscarriages due to unsafe working conditions. Even though the union could not successively get the concerned authority to provide pregnant women lighter duties, they managed to mobilise in order to avail longer maternity leave. Interestingly, the ILO also mentioned that isolating women or giving them menial tasks unrelated to their job description can also constitute a form of abuse at work. This is especially relevant in today's times, where men have been hesitant to hire women or include female employees in work discussions in the midst of the #MeToo Movement to avoid lawsuits.

3. Sexual Harassment Training

As part of this initiative, many countries, including Nepal, have started systematic training to help foster a healthier working environment, beyond the traditional Human Resource-mandated compliance followed by most private companies in the form of workshops and seminars. This also assuages victims' real-life fears of not reporting in fear of losing their jobs or worse. Convention No. 190 has also emphasised the need for every organisation or workplace to follow their non-exhaustive checklist, including implementation of measures to eradicate, manage and prevent violence. The list also includes providing information to all employees on complaint and investigation procedure and an undertaking that all incidents of violence and harassment will be considered and kept confidential to protect identities of complainants (including allies of the victim and witnesses).

4. Menstrual, Maternal Leaves and Sensitization of the Workplace

Convention No. 183 provides for 14 weeks of maternity leave for women who are covered by the instrument. Women who are absent from work on maternity leave are entitled to a cash benefit. This ensures they can maintain themselves and their child in proper health with a suitable standard of living that is no less than two-thirds of her previous earnings or a comparable amount. The convention also requires ratifying states to take steps to ensure that a pregnant woman or nursing mother is not forced to perform work that has been determined to be harmful to her or her child's health, and it protects against maternity discrimination. Employers are also prohibited from terminating a woman's employment during her pregnancy or absence on maternity leave, or during the period following her return to work unless the reason is unrelated to pregnancy, childbirth, and its consequences, or nursing. Women who return to work must be assigned to the same or an equivalent position that pays the same rate. In addition, a woman has the right to one or more daily breaks or a daily reduction in work hours to breastfeed her child. The third policy exposition in this paper concerns paid menstrual leave. Under Article 116 of the 2nd Draft Code Maternity Protection For Female Employees, women are entitled to a 30-minute paid break each day during menstruation. The origins of this workplace entitlement can be traced back to Bolshevik Russia. Following the loss of

2021 roundup

life due to conflict, the Bolshevik leadership was concerned with population replacement and the generation of a workforce for industrialization. This resulted in pro-natalist policies, such as menstrual leave, to protect women from abuse, amenorrhea and irregularities caused by physical exertion at work. Throughout Asia, six countries in the region have enacted menstruation-related legislation, including both paid and unpaid leave in Indonesia, the Philippines, China, Japan etc. Menstruation and a lack of adequate water, sanitation, and hygiene facilities have also been elucidated in UN Special Rapporteur and Expert Group Reports. According to a recent UN Women report, states that girls are kept out of school and women are kept out of work due to a lack of attention to facilities in this area. At the moment, menstruation is not a distinguishing feature that is a legally recognized ground for non-discrimination.

Conclusion

The long-term goal of C190 is to visualise a future based on dignity, respect, ethics and recognition for all. The aforementioned modifications surely set the tone for a decade of reforms. It is truly progressive, and quite frankly, the need of the hour. It also counters the precarity that disproportionately affects women workers, who need to work part-time or in piecework to fulfil care responsibilities, have higher job turnover as a result and have to work beyond retirement age on an informal basis. The fundamental significance of these changes is personal. These reforms seek to ensure that the future of world work will spark an integral, decades-long struggle, aspects of most men and women's existence, is decent, dignified, and supports human flourishing and choice.

2021 roundup

IRFPC 2021-22

We hope the Newsletter was a perceptive read!