

**INTERNATIONAL CONFERENCE ON
“INTERNATIONAL LAW IN THE NEW MILLENNIUM
PROBLEMS & CHALLENGES AHEAD”**

A Report by (Adv. (Dr.) Santosh A. Shah)

The Indian Society of International Law, New Delhi had organized a Conference on ‘International Law in the New Millennium Problems & Challenges ahead’ from 04-10-2001 to 07-10-2001 at New Delhi. The conference was inaugurated by the President of India on 04-10-2001 at 11.00 a.m. at Vigyan Bhavan, New delhi. Thereafter, the venue of the Conference was changed to Hotel Grand Inter Continental, New Delhi. The Conference was attended by several Jurists from all over the world, politicians, bureaucrats & academicians which included Shri. Ramnivas Mirdha (Ex- Union Minister), Shri I.K. Gujral, (Former Prime Minister of India), representatives of United Nations & its various organs. I too go an opportunity to attend this Conference.

First Session of the Conference was on International Environmental Law. In this Session several papers were read & later discussed. The Stockholm Conference of 1972 which is considered to be making a beginning of recognition of necessity of prescription of environment was refereed to several times. After 1972 Conference by now about 200 conventions & protocols are entered into governing International Environmental Law. The recent Conference i.e. Rio Summit highlights the problem of sustainable development with environment protection in other words it also brings out the rift between the North & South of the world. There is now move of integration, harmonization & unification of all the aforesaid conventions & protocols.

Mr. Lal Kurukul Suriya, representative of United Nations Environmental Programme (UNEP) from Sri Lanka highlighted the Role of UNEP in the Development of Environmental Law by helping countires in reaching at treaties in the area of Environmental Law. Prof. Jon Van Dyku, Hawali University Law School Honolulu (U.S.A) presented his paper on Precautionary Principle i.e. polluter pays under International Law, He pointed out that the Supreme Court of India in the Vellore citizens & other cases has been applying this prince[le & making the private sector pay for its pollution. Dr. A. David Ambrose of University of Madras. Chennai presented his paper with a different dimension relating International Environmental Law to Human Rights & Fundamental Rights under the Indian Constitution.

Next Session related to the topic which is being discussed very hotly today i.e. 'International Peace & Security & International Terrorism. 'This Session was chaired by Shri.I.K. Gujral (Former Prime Minister of India) Shri .I.K. Gujral pointed out how Afgani people are very civilized & explained that stand of Indian Govt. of looking at terrorism as a global issue which is affecting the civilization of the world irrespective of the religious ideologics. Thereafter Ambassador Hisashi Owada, President Japan Institute of International Affairs who was himself involved in the Rome Conference of 1988 in taking the decision regarding establishment of International Criminal Court presented his paper on this subject. The Statute of Rome Conference of 1988 which has established the International Criminal Court is a landmark & interesting development in the area of International peace & security & International terrorism. The statute applies to the following types of crimes:

(a) Genocide (b) Crimes against Humanity (c) War crimes (d) Crimes of aggression.

He pointed out that such an experiment of Establishment of International Criminal Court is being mad for the first time in the world. However, it is ironical to note that countries like United States & China have not signed this treaty while India has abstained from voting at the Conference. The jurisdiction of the Court is binding only on the parties to the Rome Conference of 1988.

Dr. Palitha T.B. Kohona, Chief, Treaty Section, Office of Legal Affairs, United Nations, New York explained the role of United Nations in preservation of the International Rule or Law. He pointed out that the United Nations is the only hope of the world for preservation of International peace & secutiy and rule of law. It is the only representative body in the world. By citing examples from all over the world, he brought to the notice that we live in a world which is very dangerous & uncertain. According to him, however, the level of adherence of the Nations to International Law has been going up. However, we do not get to know about the adherence to International Law by Nation States as what is brought out that the treaties of the United Nations will now be put on the Internet so that access by anyone interested would be easy. Prof. Pushpeshpani Jambho of Jawaharlal Nehru University, New Delhi stressed the need of compliance with International legislation than its mere evolution.

The next session of the Conference was Legal & regulatory frame work governing Information Technology. The speakers spoke on the Information Technology Act, 2000, which applies, to E- commerce, E- Governance & Cyber Crimes. The Information Technology Act is made applicable even to offences or contraventions of the Act which take place outside India. It has

for the first time recognized E- commerce & filing of documents through Internet. It has amended certain other Acts like Indian Evidence Act facilitating E- commerce. The idea of authentication through authorities of digital signatures was also commented upon. Further the Convergence Bill, 2001 which relates to the telecommunication sector was discussed. Most of the scholars criticized the bureaucratic set up under the Information Technology Act, 2000 & Convergence Bill, 2001 and heavy regulation & licensing. The need of training & creating awareness amongst those who are entrusted with the implementation of these Acts was stressed.

The next Session was on 'Human Rights & International Humanity & Refugee Laws' Prof. First Kalshoven pointed out the 1940 Geneva Conference which has established a treaty by which fact finding Commissions relating to Human Rights violations can be established. Dr. Umesh Kadam, Regional Legal Adviser, ICRC presented a paper on 'Need of Protection of Women in time of war & work of the International Committee of the Red Cross'. Prof. Mrs. Rashmi M. Oza, Reader Deptt. Of Law University of Mumbai pointed out the gloomy situation of women under the International Law when we are celebrating 2001 as the year of Womens Empowerment. She presented the data showing the suppression & oppression of women throughout the world in spite of development of Human Rights Law.

The last Session was on globalization & International Law & was chaired by Shri. Pranav Mukherjee, Ex- Union Minister. In this Session mostly the discussion was centred around the establishment of World Trade Organization on 01-01-1995. Prof. (Dr.) P.S. Sangal, University of Malaysia pointed out that international globalization & International Law has laid to Nation States giving up part of their sovereignty. Other speakers pointed out the need to bring out harmonization of International legislation particularly in the area on intellectual property rights.

Prof. Arjun Sengupta spoke on globalization & International Law and right to develop. He pointed out that the Human Rights movements has grown from 1958, United Nations declaration of Human Rights to 1966 conventions of civil & political rights & economic, social & cultural rights.

It will be proper to end this report with the remarks made by the President of India at the inauguration of the Conference & also the message sent by the Secretary General of United Nations Mr. Kofi Anan to the Conference. In his message Mr. Kofi Anan said.

Now more than ever, the world needs to build on the framework of international law to address the complex challenges of our time. The United

Nations is at the forefront of efforts to consolidate and strengthen that framework. Since the United Nations was created, we have seen the conclusion of more than 500 multilateral conventions which, taken together, form a comprehensive legal framework for a better world. They have played a central role in promoting economic and social development, as well as international peace and security.

The President of India, Mr. K.R. Narayanan said :

Overall, the value of international law is based not merely on moral idealism but on the practical imperatives of a globalizing world. The international law of the new millennium should be a living law that has relevance in all fields from peace and security to human rights, from development to environment. In his presidential address at the first inauguration of the Society, Mr. Krishna Menon pointed that humanity had entered an era in which it has to wake up to the implication of the fact that this solar system is a minute fragment in the whole of the galaxy and that this planet is an infinitesimal speck thereof. Inter Planetary travel and explorations have made it possible for the powers to compete for the monopoly over the resources of the planets. Such disputes as may arise in the heavens will have to be settled on earth instead of disputes on earth being settled in the heavens. All this, he said, was a portent of the problems that international law will have to face in the near future. That future has already arrived. International Law reflected for a long period the interests of the dominant powers which gave rise to the Doctrine of Differential Rights. We in India also became a victim of the Doctrine of Differential Rights during British rule. Indeed the struggle against colonialism in the world were for the democratization of international politics and the revision of international law on the basis of equity. I am afraid the vestiges of this doctrine lurk behind the attitude of the powers to questions like nonproliferation of nuclear weapons, the environment, and world trade. By taking the examples of the U.N. Charter and the Universal Declaration of Human Rights one can say that such instruments of international law have made revolutionary impact all around the world in upholding the dignity and rights of the individual. Now a global coalition is being formed to 'Smoke out the enemy'. I sincerely hope that in this effort to smoke out the enemy let not the international coalition adopt a selective approach. Terrorists who pose a threat to the civilian population and elected governments must be eliminated wherever they be.

These remarks are particularly relevant at a time when it is announced that the United Nations and Mr. Kofi Anan would get this year's Nobel Prize.