



The European Convention on Human Rights and Climate Change

- Ashutosh Ghag (V B.A.LL.B.)

An ongoing case before the European Court of Human Rights (KlimaSeniorinnen v. Switzerland) has brought up the protection offered to citizens against climate change under the European Convention on Human Rights (ECHR). The case is a collective application made by senior citizens alleging that the increase in temperature has caused large-scale harm to their health and well-being. The application states that Switzerland, where they reside, has not done everything in its power to combat the global increase in temperature and has therefore failed in its duties.

While the case also contains issues of jurisdiction and trial procedures, the primary focus is on environmental issues. The resolution of this case would be the most significant development in international environmental law since the Torres Strait Islander case.

The current environmental protections under the ECHR are

unclear. While no specific articles deal with Environmental Human Rights, the Court has interpreted various articles to include environmental protection. Article 2, which deals with the Right to Life, has been interpreted to include protection against dangerous industrial activities, nuclear radiation, industrial emissions, and environmental disasters.

Meanwhile, Article 8, which lays down the Right to Respect for Private and Family Life, has also been shown to afford the Right to Information about Environmental Risks and protection from industrial pollution, noise pollution and unsustainable urban development.

A positive resolution of this case would be a landmark development. While the European Union has been very proactive in its environmental regulation, this would obligate states to do all they can on a global level, including increasing global discourse and influencing other States to contribute more.

News at a Glance

The African Commission on Human and Peoples' Rights (ACHPR) passed a resolution supporting the rights of intersex individuals. The resolution called for African states to "promote and protect the rights of intersex persons on the continent" and to "stop non-consensual normalization practices on intersex persons." For more information, see [here](#).

Lithuania announced that it will be filing a complaint against Belarus for "non-compliance" with international law regarding exploitative migration. A compensatory amount of 120 million euros is claimed. For more information, see [here](#).

A joint statement issued on behalf of three UN Special Rapporteurs stated that the UK is failing to "abide by its core obligations under international human rights law" over its approach to migrant children arriving in the country. The rapporteurs say that the policy has led to unaccompanied child migrants going missing and being trafficked. For more information, see [here](#).



The Bay of Pigs

- Shreya Basu (II B.A.LL.B.)

On 17th April, 1961, Cuba was invaded by approximately 1,500 Cuban exiles at the Bay of Pigs. US President, Eisenhower, approved the formulation of Operation 40 for the overthrow of the Soviet-aligned Castro government.

Fulgencio Batista's dictatorial government was overthrown in 1958 by the 26th of July Movement organised by Fidel Castro. Under Castro's leadership, Cuba signed a trade treaty with the Soviet Union in 1960. Alongside, at the United Nations, Castro publicly embraced Soviet premier Nikita Khrushchev before denouncing the US in his speech. The end of Eisenhower's term in 1961 was marked by the complete severance of American-Cuban ties.

Operation 40 saw fruition under President John F. Kennedy. These trained troops (known as Brigade 2506) would attack on 17th April, 1961 following the two airstrikes targeting Castro's air force. José Miró Cardona, an ex-member of Castro's government was to assume power after the exiles had overthrown Castro's government.

Kennedy required that US involvement be hidden for the invasion to go ahead due to it violating international law. No notification was made to the Security Council, or any other relevant international body at the time, about US' apprehensions on rising Soviet presence on Cuban soil, which violates Article 11 and 12 of the UN Charter. With no clarification on the specific reason of dispute, the US attempted covert unilateral action, thus, violating Article 34 and 35. The method of operation via invasion goes against the provisions laid down in Chapter VI of the Charter for settling disputes peacefully. Afterwards, the failure of the operation and its consequences were not referred to the Security Council, as per Article 37.

Chapter VII of the Charter contains provisions to deal with threats to/breaches of peace and/or acts of aggression. The Security Council has the jurisdiction to determine the course of action deemed right in such situations. Since the Security Council was not involved from the get-go, all actions undertaken by the concerned States, leading to the Cuban Missile Crisis, were in violation of

News at a Glance

The UN's Resident and Humanitarian Coordinator for Somalia appealed to the UN to support "one of the worst humanitarian crises in the world." Repeated climate shocks have struck Somalia for the last two decades meaning that the region has "teetered on the brink of famine" in recent months. For more information, see [here](#).

A UN Human Rights Commission reported horrific human rights violations in South Sudan. The report comes amid increased attacks and extrajudicial killings on civilians, which have gone unpunished by Sudanese authorities. The Commission on Human Rights in South Sudan conducted a year-long investigation across six states of South Sudan at the direction of the UN Human Rights Council. For more information, see [here](#).



the entire chapter. It is also to be noted that the US' terminology of placing Cuba under an economic 'quarantine' is not prohibited by international law, but a 'blockade' is illegal under Article 42 unless recommended by the Security Council.

No formal action was brought against the US in the international fora. Cuban and American interactions remained limited to fluctuating economic and diplomatic ties. The Cuban military overwhelmed Brigade 2506 and killed or imprisoned those who did not attempt to escape via sea. Negotiations for the exiles' freedom continued after the Cuban Missile Crisis as Castro finally agreed to exchange them for food and medicine worth 53 million USD.

Armenia - Azerbaijan: Conflict Update

- Yukta Duragkar (IV B.A.LL.B.) and Shubham Dhavale (II LL.B.)

Nagorno-Karabakh became autonomous owing to the disintegration of the Soviet Union in 1923. Following the armed conflict of 2020, the Azerbaijani military blocked the Lachin

Corridor, resulting in a halt in movement of persons of Armenian ethnicity injured in the conflict. Both countries simultaneously instituted proceedings against one another in September 2021, by submitting applications requesting provisional measures under the Committee on Elimination of Racial Discrimination, 1965 (CERD).

On 22nd February, 2023, the International Court of Justice (ICJ) ruled on the ongoing twin trial between Azerbaijan and Armenia and granted unimpeded movement to persons, vehicles, and cargo along the Lachin Corridor from both sides.

Armenia requested the following provisional measures:

1. Azerbaijan shall cease its orchestration and support of the alleged 'protests' blocking uninterrupted free movement along the Lachin Corridor in both directions;
2. Azerbaijan shall ensure uninterrupted free movement of all persons, vehicles, and cargo along the Lachin Corridor in both directions; and
3. Azerbaijan shall immediately fully restore and refrain from disrupting or impeding the

News at a Glance

Finland is set to become the 31st member state of the North Atlantic Treaty Organization (NATO). Finland sought NATO membership after Russia invaded Ukraine in February 2022. The invasion significantly impeded Finland's security considering it shares a 1300 km border with Russia. For more information, see [here](#).

The Kosovo Specialist Chambers in the Hague announced the trial of four former Kosovo Liberation Army (KLA) members is due to begin. The former Prime Minister of the Provisional Government of Kosovo (PGoK), Hashim Thaçi is amongst those who will stand trial. He and his co-conspirators are accused of crimes against humanity and war crimes. For more information, see [here](#).



provision of natural gas and other public utilities to Nagorno-Karabakh.

In contrast, Azerbaijan requested the following provisional measures:

1. Armenia to take steps to promptly de-mine areas under Azerbaijani territory; and
2. Armenian military to cease and desist planting landmines and boobytraps on Azerbaijani territory.

While dismissing both requests of Azerbaijan, the ICJ granted Armenia's second request under Articles 2, 5(d) and 5(e) of the CERD which provide for prohibition of racial discrimination and equality of civil, socio-economic, and cultural rights. This was done to remove the obstacles impeding the passage of persons of Armenian ethnic origin and nationals hospitalised in Nagorno-Karabakh to obtain emergency medical care in Armenia.

WEF 2023: Towards a Greener, Cleaner, and Smarter Earth

- Devansh Bhatt (III B.A.LL.B.)

The theme for the World Economic Forum (WEF) 2023 meeting was "Cooperation in a Fragmented

World." International issues related to climate, international economy, role of artificial intelligence were discussed through private-public cooperation meetings.

One of the key points discussed was the Coalition of Trade Ministers on Climate. This is a new association of Trade Ministers, aimed at boosting cooperation among the countries of the world, trade practices and growth of sustainable development practices by bringing together more than 50 States. The stakeholders stressed upon the value of free trade and its significance in the international context. In the current global economy, marked by heavy division and fragmentation, the free trade system proves to be an irreplaceable public good, owing to its contribution to global economic growth.

Another key point was the launch of Chief Economist's Outlook, which showed that 2/3rd of the countries surveyed were to expect a global recession this year. It emphasized the significance of going through the process of reskilling to make the workforces ready to move towards a greener environment.

Upcoming Activities

SCIEL Public Seminar: The Preventive Turn in Security Policy

The Sheffield Centre for International and European Law will host Prof. Valsamis Mitsilegas, Dean of the School of Law, University of Liverpool, to give a lecture on his ongoing research project: 'The Preventive Turn in Security Policy: European and Global Law Perspectives,' a book to be published by Oxford University Press. The event will take place on 25th April, 2023 in hybrid form. For more information, see [here](#).

Call for papers – Human Rights and Sustainable Development

The Center for Global Economic and Environmental Opportunity, University of Central Florida and the Centre for International Law and Human Rights, Lancaster University Law School are hosting a hybrid conference on Human Rights and Sustainable Development at Lancaster University from 14th - 15th July, 2023. Abstracts are due by 24th April, 2023. For more information, see [here](#).



The WEF decided to introduce a metaverse dedicated to the WEF itself, called the Global Collaboration Village. It is a digital world designed to replicate the actual city of Davos where the nations can meet online once every year to include more leaders and make it more efficient for them to interact.

Giving to Amplify Earth Action (GAEA) was launched to aid in generating 3 trillion USD each year from various sources to deal with climate change issues and its drastic impacts on nations' economies. It was a ground-breaking step, supported by over 45 philanthropic, public and private sector partners.

There was a report which questioned the credibility of forest carbon credits but a lot of questions were raised on the methodology used. Five points which were put forth to monitor and analyze the forest carbon credits in an organized manner:

- converging census on high integrity supply and demand;
- a rise of independent rating and monitoring;
- increase of science-based target;

- a move to jurisdictional approaches; and
- benefits beyond carbon.

It was discussed that Chief Financial Officers are in a crucial position to address the issue of getting closer to the net-zero carbon emission. The forum's Measuring Stakeholder's Capitalism, ensures that CFOs determine their company's contribution towards SDGs and keeps them in check. Its was also emphasized upon which helps the private players to move towards net zero emissions. The European Union approved a method in which the cars in the countries of the EU need to be emission-free by 2035.

The Indian participation turned out to be impactful. India mainly focused on the opportunities which might increase future investments, infrastructure, and sustainable growth during the meet. India launched a report stating how India's economy aims to reach USD 26 trillion by the year 2047. Thus, becoming one of the largest economies in the world, increasing its significance globally concerning the matters of international cooperation and climate change.

Upcoming Activities

Call for Submissions: Protest Movements and International Law

This call for submissions is for a two-day workshop on all aspects pertaining to protest movements and international law at the Max-Planck-Institute for Comparative Public Law and International Law from 2nd to 3rd November, 2023. For more information see [here](#).

Tel Aviv University International Law Workshop: Special Roundtable Towards the ICJ's Advisory Opinion on "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory"

This special roundtable will take place online on 17th April, 2023. For more information, see [here](#).

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