



A Look at the Ripple Effect of SVB's Collapse on Global Banking

- Tanya Khandelwal (III LL.B.)

In what is being termed as a 'Lehman' moment for the US banking sector, the recent collapse of the Silicon Valley Bank (SVB) is being branded as the second largest bank failure in history since the 2008 crisis. While the US government approved an extraordinary intervention and the US Federal Reserve has moved to insulate other banks against risks, the fear amongst foreign regulators continues to simmer.

SVB has been known for its pro-tech sector and startup-friendly lending approach. As per SVB's website, the bank has branches in several countries. Failure of the banking giant will have geopolitical implications, seeing as it has relationships with numerous companies and governments over the world. All these countries have acted to minimise any possible fallout in their domestic banking spaces. At the same time, businesses across the world that have any investment or exposure to the SVB are witnessing their governments take an alerted

position to any major ripples. For instance, the British government facilitated HSBC's £1 takeover of SVB UK. This crisis in the US' domestic banking arena has stirred an early response tilting towards an erosion of confidence in the country's ability to maintain its position as a tech and finance frontrunner, also raising questions over its ability to retain its global influence.

Canada's banking regulator has announced that it will be seeking a legal order to wind up SVB Financial Group's presence there, and in the meantime has taken over control of the existing branch to shield creditors.

In China, many startup sector founders had to make an early appeal to investors to assure that they remained unaffected. However, several health-tech ventures in the Asian economy had their money locked in with the SVB. While it does not have a direct presence in China, its presence there is via a joint venture set up in 2012. All these players took to pacifying their clientele, claiming little to no impact from the SVB fiasco.

News at a Glance

The UN Human Rights Council called for the closure of the Guantánamo Bay detention facility "without further delay" after the release of a new report which outlined "systematic shortcomings in medical expertise, equipment, treatment, and accommodations." For more information, see here.

The Inter-American Court of Human Rights held its first hearing in *Beatriz v. El Salvador*, a case addressing abortion access in El Salvador. The country has a strict abortion ban, with criminal sanctions at a maximum of 50 years. Women have been convicted under these sanctions with evidence of only miscarriage or stillbirth. For more information, see here and here.

The Russian Investigative Committee opened its own criminal case in Russia against the International Criminal Court (ICC) regarding its arrest warrant for Putin. The committee claims that the ICC's decision was "unlawful" and that Putin holds immunity to the warrant. For more information, see here.



BaFin, Germany's banking regulator, moved to freeze SVB's branch, disallowing it from selling any assets or making payments. The bank was also asked to shutter its client businesses. However, the regulator later allowed Silicon Valley Bridge Bank to conduct lending business through its SVB Germany branch.

In India too, it is largely the startup club that is expected to feel the pinch. Some key players have cash tied in with the SVB while others took a more indirect hit with their major investors getting caught in the banking blunder.

This crisis at the SVB evokes memories of the Lehman Brothers' downfall amid the 2008 crisis. What it also does is offer a bunch of ready lessons on how to (even how not to) proceed to deal with the latest bank failure. More than a decade-and-a-half after the 2008 financial crisis, the long death and burial of Lehman highlights how the process was not rushed. The bankers, the lawyers, 'professional services' providers and the like, all took their time to work at untangling the wreckage at the bank.

When those involved in the insolvency process were presented with a choice to sell off the assets quickly and take deep-discounts leaving the creditors a very small money pool to recover from, they chose to "preserve the assets." Among the lessons galore, another thing that Lehman's downfall did was address a lot of questions around the insolvency law. Globally, there is now much more clarity about how a bank failure of this scale could be dealt with and what is the judicial opinion and approach to such questions. This is significant in paving the way for a smoother, easier conduct of insolvency process as the SVB Financial Group filed for Chapter 11 bankruptcy protection seeking a court-supervised reorganization.

International Human Rights and Climate-Induced Displacement

- Sejal Patil (III B.A.LL.B.)

As the global climate crisis worsens, the issue of climate-induced displacement has become a growing concern. Countries like Indonesia are already experiencing the consequences of rising sea levels, with Jakarta sinking at an alarming rate and prompting the

News at a Glance

The UN's Intergovernmental Panel on Climate Change (IPCC) released its Sixth Assessment Report, analyzing the current state of climate change knowledge, the impact of climate change, and possible abatements. The IPCC indicated that they had "high confidence" in the ability of these solutions to make a difference before the window of time to reverse climate change closes. For more information, see [here](#).

The Australian Federal Police and the Office of the Special Investigator (OSI) stated that a member of the Australian Defence Force (ADF) had been arrested and charged for war crimes committed in Afghanistan. This is the first charge of this kind laid against a member of the ADF and is the result of an ongoing investigation into alleged breaches of the Laws of Armed Conflict between 2005 and 2016 in Afghanistan. For more information, see [here](#).



government to relocate its capital. To address this crisis, it is crucial to consider the roles of international organizations and the protection of human rights.

The UN's [Global Compact](#) on Refugees and the [Platform](#) on Disaster Displacement offer frameworks to address this. The Guiding [Principles](#) on Internal Displacement emphasize the need to protect internally-displaced persons' (IDPs) human rights, including their right to life, liberty, and security, as well as access to food, shelter, medical care, and the right to return home or resettle elsewhere.

However, these principles are not legally binding, which means that governments are not obligated to follow them. Moreover, some countries may lack the resources or political will to implement the principles fully. There may also be issues related to the recognition of those affected as "refugees" or "internally displaced persons," which consequently affects their legal status and access to assistance.

Countries, such as Bangladesh and Kiribati, are vulnerable to climate

change. Bangladesh's coastal region is highly vulnerable to climate change-induced displacement. The Sundarbans located here act as a natural barrier against cyclones and tidal surges but they are rapidly eroding, which increases the vulnerability of the region's inhabitants. Climate-induced displacement leads to food insecurity, loss of livelihoods, and displacement from homes and communities of residents. There is an increase in health risks, such as the spread of waterborne diseases due to flooding and inadequate sanitation.

Hence, [Bangladesh](#) and [Kiribati](#) have used the UN frameworks to develop national plans for climate-induced displacement. The national plan includes measures to improve early warning systems, strengthen coastal infrastructure, develop sustainable livelihoods, and provide social safety nets for affected communities. In Bangladesh, UNICEF has been offering financial assistance and providing humanitarian aid to vulnerable regions.

The future of climate induced migration is rather [bleak](#) as the rise in global temperature will cause a

News at a Glance

UNICEF issued a report about the well-being of children in the central Sahel Region. The report claims that 10 million children in Burkina Faso, Mali, and Niger are in urgent need of humanitarian aid. The report highlights several reasons why children are drawn into conflicts. For more information, see [here](#).

The UN Independent International Commission of Inquiry on Ukraine released a new report, where it found that Russian forces in Ukraine have conducted "indiscriminate and disproportionate attacks" against civilians in violation of international humanitarian law. For more information, see [here](#).

Australia concluded a deal with the US and UK that will extend nuclear powered submarines to the Australian Navy. This raises concerns over the disposal of nuclear waste generated by the submarines and violations of the Treaty on the Non-Proliferation of Nuclear Weapons and Treaty of Rarotonga. For more information, see [here](#).



dramatic increase of disaster events, limiting the options to adapt and ultimately forcing people to be displaced. More global action is needed to protect the human rights of those affected and likely to be affected by climate-induced displacement.

The End of the Beginning: A Step Against Putin

- Shreya Patni (IV B.A.LL.B.)

The International Criminal Court (ICC) issued an arrest warrant against Russian President, Vladimir Putin and Russia's Commissioner for Child Rights, Maria Lvova-Belova for allegedly committing the war crime of unlawfully deporting and transferring children from occupied areas of Ukraine to Russia. This is prohibited under Articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute.

Article 12(3), provides for a mechanism wherein if a State is not a party to the statute, it may accept the jurisdiction of the Court for a crime concerned, by making a declaration to the Registrar.

Even though Ukraine and Russia are not parties to the Rome Statute, the ICC holds jurisdiction

over the matter, owing to the referrals made by more than 39 State parties to initiate an investigation and Ukraine's declaration to accept the ICC's jurisdiction. The ICC thus, has the power to prosecute Russians involved in committing crimes against humanity, war crimes, and genocide in the territory of Ukraine.

Interestingly, this means that the 123 States that are parties to the Rome Statute, are obligated to arrest Vladimir Putin and Maria Lvova-Belova in case they enter their territorial boundaries. However, pragmatically, the chances are extremely slim that such an action would be taken by any such State owing to the aggressive threats advanced by Russia. Some States may also consider diplomatic immunity for the head of State in this respect.

Although such an immunity is not provided for committing crimes punishable under the Rome Statute, it is argued that there is a difference between immunity that exists in relation to the proceedings of the Court and the one that exists in relation to the States' obligation to co-operate

Upcoming Activities

Call for Papers: Who Judges the Judges? Oversight Mechanisms in International Dispute Resolution

This conference, funded by the Research Council of Norway, seeks to provide a broad consideration of the nature, role, risks and challenges of oversight mechanisms in international dispute resolution. For more information, please see [here](#).

Call for Papers: Revista Tribuna Internacional Law Journal

This call for submissions is open to the fields of international public law, international private law, international human rights law, international relations and related topics. For more information, see [here](#).

Call for Submissions: Cambridge International Law Journal

The Editorial Board invites submissions for Vol. 12(2) to be published in December 2023 on the theme 'Language in International Law.' For more information, see [here](#).



and arrest the individual in question. There is some uncertainty revolving around this and essentially there is no established state practice under customary international law. Currently, it is up to the individual States to plead such an immunity if questioned.

It must be stated that in any case, this is a landmark step taken against the head of a State which is a permanent member of the UNSC. Through this, a ray of hope is created, which bolsters international law from its very core, irrespective of the futility for now.

Rising US-Russia Tensions

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

On 14th March, 2023, Russia was accused of downing an American drone flying over the Black Sea. This is the first direct head-off between USA and Russia in almost a year into rising geopolitical tensions from the Ukraine-Russia war.

The MQ-9 Reaper Drone was unmanned and was part of the US Air Force. Its primary function was collecting intelligence. However, the drone also had secondary

capabilities which “made it uniquely qualified to conduct irregular warfare operations in support of combatant commander objectives.”

The drone itself was apparently conducting ‘routine operations’ in international airspace until the crash occurred. The USA accused Russia of using methods such as ‘fuel-dumping’ to destroy or blind the drone, resulting in it becoming inoperable.

Russia, on the other hand, stands by its claim that the drone crashed due to ‘sharp manoeuvring.’ According to Russia, the drone’s transponder was switched off deliberately when detected over the Black Sea which ended up as a cause of concern, especially considering the ongoing war. Russia clarified that they viewed the act as a provocation. The Chicago Convention (CC) governs incidents like this, especially since Russia and the USA have ratified it.

Article 3 of the CC states that States have the right to enact regulations against State aircrafts which fly into the territories of other States, without permission, for the safety of civil aircrafts.

Upcoming Activities

Call for Papers: Reforms at United Nations

This book, jointly edited by Prof. (Dr.) Vesselin Popovski and Pawan Kumar, is to be published in October 2023. The book attempts to address much-needed reforms at the United Nations, more particularly Security Council in a global hegemonic world. The book seeks to answer questions such as veto powers, wars, human rights violations, voices of small States, climate change, migration and the role the United Nations as a world body can play. Apart from it, the book would also include issues on the global south, imperialism and the United Nations. For more information, see [here](#).

Fireside Talk: International Law Praxis on the Practice of International Law in Courts

In this fireside hybrid talk, the panel will discuss the importance of international law praxis – the challenges faced in its implementation, and ways to strengthen it. For more information, see [here](#).



Additionally, this article puts an obligation on the State to ensure that military aircrafts do not endanger civil aircraft, specifically when usage of weapons and interception of an aircraft is involved.

Article 12 of the CC states that the rules of the air must be followed by contracting states to the greatest possible extent. Keeping these in mind, as well as Article 8 that deals with pilotless aircraft, Russia was within its right to deny entry of American drones. Even though drones are a common presence over the Black Sea and interceptions are frequent, the USA would still have required prior permission to access that territory.

Given the fragile geopolitical climate, it is imperative for both countries to resolve the issue via mutual respect for each other's boundaries. At a time when the world is embroiled in on-going conflict, the onus is on the leading nuclear powers to accurately identify the cause and set a positive example for other nations to follow.

Editor:

Shweta Shukla (IV B.A.LL.B.)

Upcoming Activities

2023 E-Learning Program of the Siracusa International Institute for Criminal Justice and Human Rights

This e-learning program targets International Criminal Law, International Cooperation in Criminal Matters, Human Rights and Criminal Justice. Each course will last 3 days for a total of 12 hours and will be broadcast live on Zoom. For more information, see [here](#).

Call for Papers: Ukraine and the Post-Liberal International Order after the Zeitenwende

This hybrid conference will examine how states, regional actors and non-state actors have used and abused international law in responding to the war in Ukraine, and what this tells us about the state of the global legal order. For more information, see [here](#).