



Evaluating the Paris Agreement: Achievements and the Fight Against Global Climate Change

- Manshwi Anand (II B.A.LL.B.)

Climate change is one of the most pressing challenges plaguing the modern world which transcends beyond international borders of states and hence requires cooperation on an international level. To further this global coordinated effort, a landmark treaty called the Paris Agreement was signed by 196 nations globally in 2015 at the Conference Of Parties (COP) 21, under the aegis of the United Nations Framework Convention for Climate Change (UNFCCC). The UNFCCC is a UN-mediated negotiation process agreed upon and adopted by the Intergovernmental Negotiating Committee for a framework convention on climate change signed by 198 States, which came into force in March 1994, to limit catastrophic climate change. The Paris Agreement was majorly aimed at curbing the devastating effects of climate change caused due to increased emissions of carbon. The Agreement proposes an ambitious long-term goal to reduce greenhouse gas emissions so as to hold the global temperature

increase below 2° C and 1.5°C above pre-industrial level. Since its ratification, it has achieved remarkable achievements. For instance, experts had predicted that global temperatures would rise up to 3.9° C but since the implementation of the agreement, the global rise has been limited to a 2.8° C rise only. Secondly, nations like Japan, China as well as the EU were obligated by the agreement to set carbon neutral goals and net zero targets to control global temperatures. Finally, the treaty ensures financial support and capacity building of developing nations by developed nations to enable them to build effective climate change mitigation strategies.

Moreover, the agreement has been regarded as a significant advancement as compared to other contemporary environmental treaties. For instance, while the Montreal Protocol solely focuses on catering to ozone-depleting substances, the Paris Agreement has focused its attention on a wide spectrum of environment-degrading substances. Unlike the Kyoto Protocol which required only developed nations to reduce emissions, the Paris Agreement realized that climate change is a

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The Ethiopian Human Rights Commission (EHRC) claimed that the federal security forces have killed at least 45 civilians in Ethiopia's Amhara region. The independent state body alleged that the civilians were killed for being supposedly affiliated with the ethnic Amhara armed group, Fano. For more information see here.

Farmers protested outside the European Parliament in Brussels, demanding relief from taxes and rising costs, as European leaders met during a summit. They were met by police action with water hoses and tear gas. The protests are a part of a growing farmers movement across Europe to demand action on rising costs. For more information, see here.



shared problem and thus called upon all nations to fight together. The Agreement also represents a shift from the Kyoto Protocol's top-down approach by introducing a flexible system of Nationally Determined Contributions (NDCs). Furthermore, the Paris Agreement leverages a more favourable political and economic climate as it adopts a more flexible framework with nationally determined contributions. Unlike the Durban Conference, which was hindered by the 2009 global financial crisis and resulted in a lack of consensus, the Paris Agreement succeeded in establishing a clear financial pathway which fostered bilateral commitments, like the US-China Agreement. All this resulted in a stronger foundation for global climate action. Additionally, while the Durban Conference called for the participation of many countries, the Paris Treaty achieved near-universal participation. Finally, the Paris Agreement had a huge role in improving upon the Lima Conference by covering at least 180 states which covered almost 90% of the global carbon emissions. It further helped to build around Lima's framework of Intended NDCs which allowed nations to set their own emission targets. However, these collective

collective efforts to curb global carbon emissions seem to crash when incidents like the catastrophic Pakistan floods or Australian bushfires occur. Notably, the Paris Agreement has faced much criticism with respect to its effectiveness.

For instance, the International Energy Agency's (IEA) analysis points to the fact that the existing NDC targets set by respective nations to reduce emissions will not suffice the net zero goal of the agreement. One major hurdle is that these NDC targets are voluntary in nature which is responsible for reducing its effectiveness. The reason is that many nations employ minimal financial resources and capacities in the fulfilment of NDC targets, making it difficult to realise the goals under the agreement. The agreement also lacks strong sanctions for non-compliance which reduces any incentives for states to meet their commitments and maintain transparency. Also, certain States like Brazil, Australia and the UK lack political commitment due to poor domestic support. Domestic aspects like political party values, economic considerations, elite preferences and public opinion

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A report released by the Office of the UN High Commissioner for Human Rights (OHCHR) highlights human rights violations and abuses endured by Syrians upon their return to Syria. The report outlines a combination of challenges awaiting returnees, including general insecurity in the aftermath of the civil war, as well as ongoing violations of human rights law and international humanitarian law. For more information see [here](#).

On July 1, 2024, Elisa de Anda Madrazo of Mexico took over as head of the Financial Action Task Force (FATF). The appointment, which is good until June 2026, is a big change in the way this important global financial watchdog is run. During her presidency, she plans to make it easier for people around the world to fight financial crimes and terrorist funding. For more information see [here](#).



can determine a nation's position on global climate action and thus play a significant role in either strengthening or weakening their stance on implementation of agreements.

Further, this non-compliance gives rise to a "free rider problem" which the agreement fails to take into consideration. This issue arises when states benefit from emission reductions by other entities or nations without any economic sacrifices of their own. Since the benefit of carbon emission reduction is enjoyed globally irrespective of contribution and the agreement lacks any strict compliance mechanism, each nation tries to under-contribute while hoping that the other country would do more. When too many nations under-contribute then the global carbon emission reduction efforts become inadequate to achieve the long-term goal of the agreement.

Many developed nations which are major emitters are often accused of under-contribution. They have been given the responsibility under the treaty to provide financial assistance to less developed nations to enable them to build climate mitigation strategies. However, developed

nations which are major emitters are often accused of under-contribution. They have been given the responsibility under the treaty to provide financial assistance to less developed nations to enable them to build climate mitigation strategies. However, developed nations often falter which leads these commitments to fall short of expectations. At COP 15 in 2009, developed countries committed to providing \$100 billion annually for climate adaptation by developing nations but as per the OECD report of 2015, this target was never met.

Secondly, the Paris Agreement is also observed to be susceptible to the waves of national and global politics which adds hurdles to its implementation. For instance, in 2017 the then-US President, Donald Trump, announced the US's withdrawal from the agreement despite the US being the second largest emitter in the world. The withdrawal was seen as an effort to appease Trump's support base. This included economic sectors like fossil fuels which were concerned about the environmental regulations put on them as a result of the agreement. Industries like fossil fuels play a major role in setting up priorities of the ruling government and breaking their

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The Appeals Court in The Hague ruled that the Dutch government has to stop the export of F-35 fighter jet parts to Israel over concerns that Israel is using the aircraft in violation of international law. The court agreed with several human rights groups and overturned a lower court's ruling. It concluded that there is a clear risk that F-35 fighter jets might be used to commit serious violations of international law. For more information, see [here](#).

The European Court of Human Rights (ECHR) has unanimously ruled against Russia, finding systematic human rights violations in Crimea since its occupation in 2014. The court's ruling detailed a pattern of abuses perpetrated by Russian authorities in Crimea. These violations encompassed a wide range of fundamental rights guaranteed under the Convention and its protocols. For more information see [here](#).



hold requires magnificent social and political efforts. While the US rejoined the agreement in 2021 under the candidature of Biden, the question of what would happen if “climate deniers” joined the government or major contributors left due to political reasons or about the stability of international climate commitments still lingers. With such moves by global political leaders, the reliability and predictability of long-term climate change-centric commitments are undermined, while at the same time discouraging other nations from making strong commitments.

In addition to that, Brazil in 2018 also threatened to leave the agreement without giving a sufficient cause. However, experts highlighted that such a move came in response to economic concerns as well as international pressure which demonstrates how political and economic factors can change the allegiance of a State. Moreover, when important participants show a lack of dedication towards the achievement of the long-term goal of the treaty then the overall effect of the agreement also diminishes.

Geopolitical influences have also likened climate negotiations to an environmental cold war. As each nation draws on its own set of priorities, reaching a consensus becomes a very difficult task. Developing nations demand support from historic high emitters developed nations which they find as an additional burden to keep up with. Meanwhile, in the current scenario, global tensions are peaking with the ongoing conflict between Russia and Ukraine, in Palestine, as well as mounting hostility between China and Taiwan, painting a gloomy picture of the future of the multilateral agreement. Due to these hostilities, attention and resources are diverted from climate action which eventually leads to a reduction in the efficacy of efforts to curb global carbon emissions.

It is often observed that the political foundation of the Paris Agreement rests upon national interest dynamics rather than abstract principles. This reveals a difficult-to-overcome divide between the US-led bloc and other developing nations on one hand and less developed nations on the other. These differences subsequently present a scenario where national interests

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The Panamanian Ministry of Foreign Affairs announced that it denied the request from the Nicaraguan government to provide safe passage for ex-president Ricardo Martinelli to leave the country after the Nicaraguan government granted asylum to the former Panamanian leader. For more information, see [here](#).



overshadow collective global efforts thus reducing the efficacy of the Paris Agreement.

Finally, the agreement has failed to create a consensus and comprehensive approach on the use of oil, gas and coal which are the largest contributors to global climate change. As per the United Nations (UN), fossil fuels account for around 75% of greenhouse gas emissions and 90% of carbon dioxide emissions worldwide. The treaty lacks explicit mention of “oil”, “gas”, “coal” and “fossil fuels”, this omission means that there are no direct mandates specifically addressing their phase-out. Without any clear targets, nations continue to produce and even expand their fossil fuel resources which undermines the objective of the agreement. This gap makes it challenging to align fossil fuel production with the aim of achieving lower levels of greenhouse gases. The 2020 Gap Production report has highlighted that to limit global warming to 1.5°C global fossil fuel production needs to be reduced by 6% annually till 2030. However, major oil-producing nations on the contrary have planned to increase their production by 2%. Even after the catastrophic effects of fossil

fuels, limited steps have been taken even by the largest emitters in curbing the use of traditional fossil fuels. For instance, at COP 26 in Glasgow, the final text only mentioned the “phasing down” of unabated coal power and not its “complete phase out”. The watered-down language highlights the dearth of significant commitment from major fossil fuel-producing nations. The following year at COP 27, a resolution moved by India and some other states to completely phase out fossil fuels was rejected by certain oil and gas-rich nations like Saudi Arabia and Russia and was ultimately omitted from the final text. This lack of consensus in matters of fossil fuel production undermines the effectiveness of the agreement as without collective action, achievement of the long-term goals of the treaty would be an uphill task.

Provided the challenges, it can be said that the Paris Agreement has proved to be a novel method to mitigate climate change caused due to increasing levels of carbon emission. However, the agreement suffers from major lacunas which decrease its efficiency. At this juncture, innovative methods should be employed to help the

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The European Commission (EC) announced that it is drafting new Digital Service Act (DSA) guidelines on false information aimed to strengthen and protect election integrity. The guidelines are aimed to combat election risks which may arise from misinformation. They will be applicable to all designated “Very Large Platforms” and “Search Engines” in order to ensure they implement “the best practices and possible measures to mitigate systematic risks on their platforms that may threaten the integrity of democratic electoral processes. For more information, see [here](#).



agreement realise its major objective of reducing global temperatures. Such steps may include enhancement as well as improvement of the transparency and credibility of NDCs of states to align with the aim of the agreement. Further, effective policies and carbon market mechanisms should be included in specific industries such as aviation, shipping, and land among others. Also, subsidies and support for fossil fuels should be reduced to deter nations from producing them and stimulus to green investment should be encouraged. Furthermore, the introduction of penalty and incentive mechanisms can provide a major boost to the compliance of the agreement.

To conclude, while it can be said that while the agreement proves to be a groundbreaking step towards global climate change, its success is hindered by challenges in enforcement and alignment of national interests with global goals. To enhance its efficiency, it is integral to improve transparency and accountability of NDCs, reduce fossil fuel subsidies and introduce robust compliance mechanisms. Only by way of coordinated and sustained efforts can the international community expect to

meet the ambitious targets set forth by the Paris Agreement.

Applying Feminist Perspective to the Interpretation of International Humanitarian Law in the 21st Century

- Manoswita Hazra (II B.B.A.LL.B.)

International humanitarian law (IHL), rooted in 19th-century codifications like the 1864 Geneva Convention and the 1864 Declaration of Saint Petersburg, aims to limit the effects of armed conflict for humanitarian reasons by protecting those not actively participating in hostilities and by regulating warfare methods. However, despite its noble goals, IHL has faced criticism for inherent gender biases, stemming from its creation by male-dominated institutions that reflect the gender norms of their times.

Women experience armed conflict differently than men. IHL includes specific provisions aimed at protecting women during armed conflicts, but these provisions reveal significant vulnerabilities. Women are explicitly protected against sexual violence, including rape and enforced prostitution by Article 27 of the Geneva Convention IV, and must be

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Nicaragua formally requested permission to intervene in South Africa's genocide case against Israel before the International Court of Justice (ICJ) over the ongoing Israel-Hamas war. Nicaragua argued that the country has "an interest of a legal nature which may be affected by the decision in the case." It is unclear whether or not Nicaragua has been permitted to intervene in the proceedings at present. For more information, see [here](#).



housed separately from men in detention and supervised by female staff according to Geneva Conventions III and IV and the Additional Protocol II. Pregnant women and mothers of dependent infants in detention must have their cases prioritized and avoid the death penalty as per Article 76 of Additional Protocol I. However, these provisions often reinforce traditional gender roles by viewing women primarily as victims and caregivers, neglecting their roles as combatants. The foundational documents, created in a male-dominated context, reflect outdated gender biases that continue to influence the interpretation and application of IHL. It is to be highlighted that out of forty-two provisions in the 1949 Geneva Conventions and 1977 Protocols focusing on women, nineteen address them as mothers, with many provisions protecting unborn and small children. The legal norms regarding women in IHL have a lower status than that of the militants (mostly men), focusing more on protection than prohibition, and the lack of explicit provisions for victims of sexual violence which also include LGBTQIA+ community, men and boys, and the inadequate protection for women in refugee

camps compared to prisoners of war should be noted.

Sexual violence remains significantly under-reported due to various social, cultural, and practical barriers. Additionally, when victims do come forward, state authorities often do not investigate the crime and prosecute the perpetrators with sufficient diligence, leading to the loss of crucial evidence. Thus, even though IHL acknowledges the need to provide "special protection" to women against sexual violence, this prohibition extends to threats of sexual violence but does not explicitly mention forced slavery, impregnation, abortion, torture, trafficking, sexual slavery, or the intentional spread of STDs like HIV/AIDS. Women are also victims of genocide and enslavement for labour, which are ambiguously addressed under the general category of "any other form of indecent assault." Furthermore, IHL inadequately addresses the disruption of essential services such as healthcare, including sexual and reproductive health services, during armed conflicts. Women and girls are at a heightened risk of unplanned pregnancies, maternal mortality

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Māori protesters marched to Waitangi to oppose the Treaty Principles Bill, allowing changes to the "principles" of the Treaty of Waitangi (Te Tiriti o Waitangi) – New Zealand's founding document that established British and Māori governance of New Zealand. The ACT party argues that these principles provide people with "different political rights based on birth," meaning that Māori have a stronger voice in political decisions and that this violates political equality. For more information, see here.



and morbidity, severe sexual and reproductive injuries, and contracting sexually transmitted infections, often as a result of conflict-related sexual violence. For instance, in South Sudan, conflict-related sexual violence (CRSV) has been a persistent issue since the conflict erupted in 2013.

Women and girls are pivotal participants in peace processes before, during, and after conflicts. UN Security Council Resolution 1325 (2000), emphasizes the necessity of their equal participation and full involvement in all efforts to maintain and promote peace and security. It highlights the crucial roles women play in preventing and resolving conflicts, participating in peace negotiations, and contributing to peace-building and peacekeeping efforts at the grassroots level. For example, in Fiji, as tensions between Indo-Fijians and indigenous peoples escalated, culminating in the 2000 coup d'état, women from both ethnic groups launched the Blue Ribbon Campaign peace movement.

A feminist perspective is particularly crucial in post-conflict reconstruction, as women are often excluded from peace negotiations and decision-making processes

despite being disproportionately affected by conflict. This exclusion persists even though women and girls frequently take on vital roles in rebuilding local economies and civil society. Despite their significant contributions, they are often sidelined once formal peace processes commence.

- In 2022, women constituted only 16 per cent of conflict party negotiators or delegates, a decrease from 19 per cent in 2021 and 23 per cent in 2020.
- Out of 18 peace agreements reached in 2022, only one was signed or witnessed by a representative from a women's group or organization.
- In Yemen, conflict parties consistently rejected women's participation in 2022, despite the United Nations Special Envoy's persistent advocacy for at least 30 per cent representation of women in delegations.

Humanitarian aid during and after conflicts often lacks gender sensitivity, leading to unequal resource distribution. Women and girls have specific needs, such as access to menstrual hygiene products and safe spaces, which are often overlooked. A feminist perspective on IHL emphasizes the necessity of gender-sensitive

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UN Special Rapporteur on Torture, Alice Jill Edwards, urged the UK government to stop the impending extradition of Julian Assange to the US. She urged the government to carefully consider Assange's appeal and cited significant concerns that his extradition could put him at risk of treatment amounting to torture. For more information, see [here](#).



humanitarian responses that address these unique requirements.

Despite these distinct experiences, IHL traditionally treats women as a homogeneous group of civilians needing protection rather than as active agents in conflict and peace processes. This protective approach, while well-intentioned, can be patronizing and disempowering. IHL has traditionally been slow to recognize the presence and rights of female combatants. Women and girls are not merely victims of armed conflict; they are also active agents. Women's participation in conflict includes roles as combatants and supporters within both regular and irregular military institutions. Although traditionally perceived as more peaceful than men, women have been active in various armed forces globally. For instance, in Rwanda, a small minority of women (2.3%) were involved in the genocide. In Eritrea, the liberation movement saw women recruited extensively, with their dedication erasing other identities like family and region. The Tamil Tigers in Sri Lanka had women comprising nearly one-third of their 10,000-15,000 cadre strength, participating in combat,

political, administrative, and intelligence units. In Mozambique, women and girls were considered more receptive to army discipline, making them easier to train. A study by McKay and Mazurana (2004) found that girls were part of fighting forces in 55 countries between 1990-2003, involved in armed conflict in 38 of these, all internal conflicts.

Moreover, the right to an effective remedy is a fundamental principle enshrined in international human rights law and humanitarian law. This principle is articulated in numerous international and regional instruments, such as the UN General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of Human Rights Law and Serious Violations of International Humanitarian Law in 2005. Reparations should be provided by a State for acts or omissions that can be attributed to it and that violate its obligations under international human rights law or international humanitarian law. Documents like the Nairobi Declaration on Women's and Girls' Rights to a Remedy and Reparation advocate for gender-sensitive reparations.

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UN Secretary-General António Guterres announced a review of whether the UN Relief and Works Agency for Palestinians in the Near East (UNRWA) is "ensur[ing] neutrality" and properly responding to allegations of possible breaches. The announcement came after Israel accused UNRWA of involvement in the October 7 Hamas attacks. The accusation caused several countries, including the US, to halt funding to the agency. For more information, see [here](#).



Incorporating a feminist perspective in giving effective remedies to victims would include acknowledging and addressing that reparations for victims of gross human rights violations require a multifaceted approach that includes judicial and administrative measures, meaningful participation of victims, transformative impact, support from development cooperation, and urgent interim reparations. For example, in South Africa, victims sought financial compensation, health care services, educational support, and housing assistance to address immediate material needs and ensure long-term stability. In Timor-Leste, women highlighted the necessity for material support such as basic living expenses, home rebuilding, and health care services. In Rwanda, the Association for Genocide Widows (Avega) advocated for monetary reparations, comprehensive health care services, and educational programs for orphans. However, limitations such as inadequate representation and participation in decision-making processes, and the risk of integrating reparations into existing development programs that might deny victims specific reparatory justice, make it futile.

To address these challenges, alternatives and remedies, it is essential to, firstly include gender sensitivity at all stages of the reparations process, secondly integrate socio-economic support with legal remedies, and ensure continuous engagement with women's organizations and other marginalized groups. Additionally, legal and policy reforms are necessary to ensure that women have equal access to reparations and other forms of justice. This comprehensive, participatory, and gender-sensitive approach is essential for effectively addressing the immediate and long-term needs of victims while fostering societal transformation and upholding human rights.

NGOs: Platform 9¾ for Shaping the International Human Rights Framework

- Vedangini Muley (II B.A.LL.B.)

A primary defining characteristic of Non-Governmental Organizations (NGOs) is their independence from government influence, whose purpose is to address a social or political issue. NGOs act as mobilizers for communities at the ground level and act as advocates for social change by empowering marginalized and

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The International Court of Justice (ICJ) ruled that it has jurisdiction to determine aspects of a case, brought by Ukraine against Russia, concerning allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide. The ICJ rejected Russia's claim that it did not have jurisdiction to rule on the case. It did, however, accept that it does not have jurisdiction to determine Ukraine's claim that the use of force by Russia when it first invaded Ukraine undermined the rules governing states in the Convention on the Prevention and Punishment of the Crime of Genocide. The Court also held that it was not within its power to decide whether Russia recognizing Lugansk and Donetsk as independent states breached the convention. For more information, see here.



underrepresented individuals.

NGOs are vital to the international system. The [UN Secretary-General](#) and other officials recognize NGOs as [indispensable partners](#) in policy-making and implementation. NGOs have been [actively engaged](#) with the United Nations (UN) since its [inception](#) in 1945, working with the UN Secretariat, programs, funds, and agencies in various ways, including in consultation with Member States. The Economic and Social Council (ECOSOC) has been the main entry point for NGOs into the UN system since [1945](#). Article 71 of the [UN Charter](#) provided suitable arrangements for consultation with NGOs, and this consultative relationship is now [governed by ECOSOC Resolution 1996/31](#). The UN also allows NGOs to have [observer status](#) at its assemblies and meetings, enabling them to participate without voting rights. This privilege was notably exercised at the [1993 Vienna Conference](#), attended by [841 NGOs](#), including [Amnesty International](#), [Human Rights Watch](#), [Human Rights First](#), and [Interights](#). Such involvement enables NGOs to stay informed on developments related to human rights laws, contribute their perspectives, advocate for human rights issues on the

international stage, and gain access to internal information to shape their advocacy efforts.

In most cases, human rights violations are overlooked by individuals themselves unless NGOs address them, the support provided by NGOs is essential in compelling official authorities to take legal action. One of the cases in the point is that in the 1970s, Amnesty International [documented and publicized](#) cases of torture and political imprisonment in various countries, including Argentina during its [military dictatorship](#). Their reports drew international attention to these abuses, which intensified pressure on the Argentine government, ultimately leading to the end of the dictatorship and the implementation of human rights reforms. Moreover, NGOs offer legal support to victims of human rights violations and advocate for them in international courts; for instance, the [International Commission of Jurists \(ICJ\)](#) offers legal expertise and support to victims of human rights violations.

There have also been numerous instances where NGOs have played a crucial role in preventing human rights violations and contributing

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Australia's Minister for Foreign Affairs announced that the government was imposing additional sanctions on five entities with direct links to the Myanmar military. Targets of the sanctions include the Myanmar Foreign Trade Bank and the Myanmar Investment and Commercial Bank, two major banks that support the regime's activities. The sanctions "are a response to the regime's ongoing repression of the people of Myanmar, escalating violence, and the continuing deterioration of the political, humanitarian and security situation," three years after the military seized power in an illegal coup. For more information, see [here](#).



to international law, such as the Kimberley Process Certification Scheme, established in 2003, which is a direct outcome of the efforts of the NGO Global Witness along with other stakeholders. Global Witness first brought attention to the issue of blood diamonds in 1998 by uncovering evidence of how diamonds were funding conflicts and human rights abuses. This revelation prompted the establishment of a scheme to ensure that all traded diamonds were conflict-free.

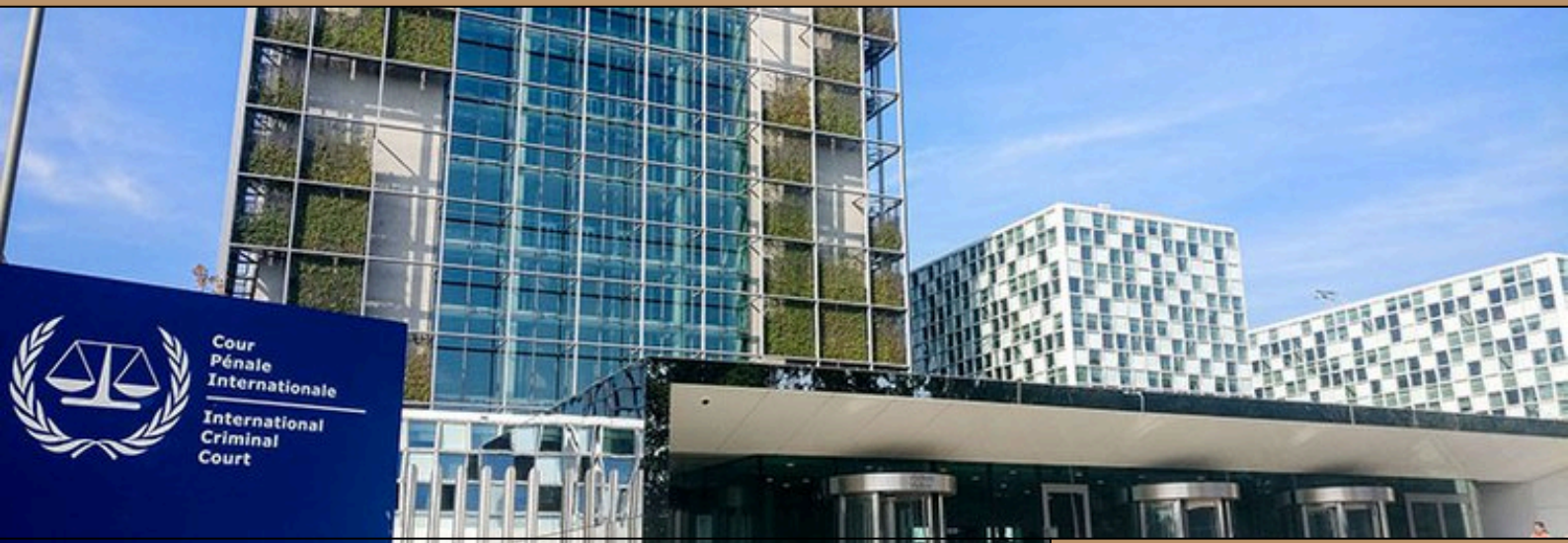
However, it is still complex to determine that any particular NGO has caused the formulation or amendment of certain laws due to several factors such as multiple stakeholders, including governments, international organizations, and civil society groups. Additionally, advocacy efforts are complicated and take time, involving long campaigns, negotiations, and teamwork. Nevertheless, a host of amendments, treaties, and conventions have been influenced by the advocacy and persuasion of specific human rights NGOs. To further illustrate the point - the American Jewish Committee along with the International League for Human Rights were involved in

drafting by preparing detailed reports and proposals that highlighted the need for a universal human rights instrument and advocating for the adoption of the Universal Declaration of Human Rights (UDHR). They engaged with key UN officials and delegates to emphasize the importance of including a broad spectrum of human rights. Furthermore, the International Committee of the Red Cross (ICRC) played a crucial role in drafting the Additional Protocols I and II, adopted in 1977 to strengthen the Geneva Conventions, and has since been influential in promoting these additional protocols to advance international humanitarian law.

However, despite the significant contribution of NGOs, various criticisms have been leveled against them. They are often accused of not fully understanding the needs of the communities they serve, this might happen because NGOs rarely engage directly with local populations as Neera Chandokhe pointed out. For instance, following the 2010 earthquake in Haiti, some international NGOs (INGOs) were criticized for focusing on housing projects when local communities prioritized immediate healthcare

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The European Union (EU) imposed sanctions against five individuals from Guatemala that “undermined democracy, the rule of law or the peaceful transfer of power in Guatemala.” The sanctions followed a Council decision purported to freeze assets of those who were “responsible for, engaging in, providing support to, or benefitting from, actions that undermine democracy, the rule of law or the peaceful transfer of power in Guatemala.” For more information, see [here](#).



and sanitation needs. Additionally, NGOs have been accused of using misinformation in their campaigns out of self-interest. For example, during the controversy over global palm oil production, some NGOs were criticized for exaggerating deforestation statistics to garner support and funding. Apart from this, critics argue that INGOs often reflect Western priorities and perspectives, imposing Western values and solutions on diverse cultural contexts; an example of this is Western INGOs promoting microfinance as a poverty alleviation tool in India. While it had success, it also led to high debt levels and suicides among borrowers, revealing a lack of understanding of local economic conditions and needs.

The Role of NGOs in the Formation of the International Criminal Court

- Bhumika Jadhav (II B.A.LL.B.)

The Nuremberg and Tokyo trials set a precedent for addressing human rights abuses post World War II. Subsequent military trials for Rwanda and the former Yugoslavia revealed ongoing serious human rights violations. NGOs significantly contributed to the establishment of the

International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for Former Yugoslavia (ICTY), two ad hoc international tribunals, to bring legal action against individuals accountable for war crimes, genocide, and other crimes.

Though states legally established the ICC, the contributions of the NGO Coalition for its founding cannot be ignored. The Coalition for the International Criminal Court (CICC) played an important role in the state's adoption of the Rome Statute, its subsequent ratification led to the creation of the ICC. The court is tasked with the responsibility of trying accused individuals for crimes against humanity, war crimes, the crime of aggression, and genocide.

A group of 25 civil society organizations from around the world, along with William Pace and Christopher Hall, two well-known human rights advocates, founded the CICC in 1955. They worked together at the UN panel of legal experts known as the International Law Commission to finish the preliminary work of creating a permanent international criminal court, which involved creating a

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Bangladesh became the fifth member state of the Colombo Security Conclave on July 10, during the 8th Deputy National Security Adviser (DNSA) level meeting, which was held virtually by Mauritius. The Colombo Security Conclave (CSC) is a group of regional security experts who work together to solve naval security problems in the Indian Ocean. The CSC was created in 2020 by India, Sri Lanka, and the Maldives as starting members. Its goal is to encourage member states to work together on security issues. Since then, Mauritius and, most recently, Bangladesh have joined the group. For more information see [here](#).



draft law. Since then, CICC has taken the lead in promoting the creation and seeing to it that an unbiased, effective international criminal court is established. NGOs took part in the ICC treaty negotiations in a number of ways, including lobbying state and international representatives, composing expert reports, journal papers, and documentation, arranging conferences and seminars, introducing the Court concept to a large audience, attempting to find and provide financial assistance and expert involvement in the discussions. Association Pro Derechos Humanos, Human Rights First, Human Rights Watch, No Peace Without Justice, Parliamentarians for Global Action, Amnesty International, and Women's Initiatives for Gender Justice are among the founding members of the CICC. The CICC has pushed for the Rome Statute's widespread acceptance and complete, efficient implementation ever since it was adopted. An increasing number of countries around the world must back the ICC for it to be successful. The Coalition had grown to 450 organisations by 1997, and momentum had begun to build for the effort to eliminate impunity. It also extended to street action and

smaller, less wealthy government delegations with specialists and interns. The Coalition led NGO teams on key issues like amendments, communications and outreach, cooperation, gender justice, and legal representation. It had an unofficial membership policy and a non-hierarchical organisational structure and urged governments to convene a diplomatic meeting in order to negotiate the ICC treaty.

The Preparatory Commission on creating the International Criminal Court convened six times between 1996 and 1998 at the UN headquarters in New York in order to draft a consolidated ICC legislation. NGOs participated in talks and attended gatherings held under the Coalition's auspices. In July 1998, civil society from all around the world gathered in Rome for a sweltering week after successfully persuading nations to call a diplomatic conference to establish an international criminal court. Following the Rome Conference, NGOs monitored the discussions on every topic and provided professional comments in groups at each Preparatory Commission meeting from 1998 to 2002. Coalition members attended the Preparatory Commission's final

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As fighting surges in eastern DR Congo in the region has displaced an estimated 135,000 people from the town of Sake – on the northern banks of Lake Kivu – who are moving towards the provincial capital, Goma, about 25 kilometers away. The agency further said that it received reports of bombs falling on civilian areas in Sake and Goma, where an estimated 65,000 internally displaced persons (IDPs) are sheltering, prompting “significant concerns” for their safety. The escalating use of heavy artillery and shelling in clashes around Goma poses grave threats to civilian and displaced populations, threatening more casualties and the destruction of buildings used as communal shelters. For more information see [here](#).



session where ten countries simultaneously turned in their instruments of ratification, creating the Rome Statute. The Coalition and the UN collaborated extensively to make the event possible. On July 1, 2002, the then UN Secretary-General Kofi Annan attended an event held by the Coalition to celebrate the approval of the Rome Statute. After years of planning, negotiation, and ratification, the idea of an international criminal court was achieved, and the ICC, located in The Hague, was established in 2002.

To work on ICC-related issues, specifically to develop strategies on substantive legal and political issues relating to the Rome Statute, the Coalition brought together a broad network of non-governmental organizations and experts in international law. This helped raise awareness and gain support from a variety of civil society organizations, including those that focus on women's rights, human rights, international law, judicial affairs, humanitarianism, peace, and religion. An ever-growing number of countries around the world must back the ICC for it to be successful.

Together with the writing and enactment of ICC legislation, the

Coalition actively monitors and promotes the creation and application of laws throughout the world. Employees of the Secretariat and members of the National and International Coalition monitor world events. It is also promoting complementarity initiatives, which provide women with improved access to the legal system and protections against sexual and gender-based abuse. The Coalition provides an annual report on the progress of ratification and application of the Rome Statute based on information gathered from Coalition operations and worldwide outreach.

The engagement of NGOs poses various challenges because of their peculiar goals and biases that may affect their lobbying and result in the ICC facing pressure to pursue some cases while disregarding others, thus distorting the court's focus. Public campaigns, direct lobbying, or submitting copious amounts of paperwork and reports to the prosecutor's office are some ways to apply pressure, compromising the ICC's credibility. Some NGOs create their courts, advocacy groups or justice projects; these may support the ICC's efforts, but they may also raise questions about the best

Upcoming Activities

Call for Submissions Extension:
SAIELN Conference:

SAIELN has extended the last date for submission of an abstract for its 4th Biennial Conference on Local Approaches to International Economic Law to 11:59 pm, 31 August 2024. For more information, see [here](#).



places and methods of pursuing justice. Some NGOs establish their own tribunals, advocacy campaigns, or justice initiatives that operate alongside the ICC. While these initiatives can complement the ICC's work, they can also create confusion about where and how justice should be pursued. Duplication of efforts can lead to inefficiencies and a fragmented approach to international justice. Additionally, these parallel processes might lack the legal authority and rigor of the ICC, potentially leading to inconsistent outcomes.

Therefore, it is a difficult issue for the ICC to strike a balance between the beneficial contributions of NGOs and the requirements for objectivity, security, and effective resource allocation.

Digital Dilemma: Analyzing the representation of the LGBTQIA+ Community in the Digital Space
- Kaveri Nanduri (II B.A.LL.B.)

Digital rights are an application of universal human rights such as those relating to privacy and freedom of expression in online spaces. Digital rights become especially important for the LGBTQIA+ community which faces severe societal discrimination in the

offline world. This is because these rights ensure that members of this community can use online spaces such as the Internet and various social media platforms to freely explore and express their gender and sexual identity, feel represented and included, find love and friends, seek guidance on how to deal with societal discrimination and organize movements and campaigns to create awareness and advocate for their rights. Restricting these digital rights can further isolate the LGBTQIA+ community and their capacity to seek changes for the community.

The digital rights of the LGBTQIA+ community are currently under grave threat as various governments are bringing laws to criminalize LGBTQIA+ people and validate their increased surveillance. Ghana, Jordan, and Russia are a few examples of countries that are suppressing the digital rights of the LGBTQ community. Each of them has distinct policies from one another but commonly silences the voices of LGBTQ people and their capacity to form support networks.

The parliament of Ghana passed an Anti-LGBTQ bill in February 2024. This bill not only criminalizes

Upcoming Activities

Call for Papers: EU Trade and Investment Law Workshop – Questioning Economic Security:

The Utrecht Centre for Regulation and Enforcement in Europe (RENFORCE)'s building block on EU values in International Trade is organising the third edition of its annual informal workshop on EU trade and investment policy, to take place on Friday, 6 December 2024. This year's workshop focuses on 'economic security', which has taken centre stage in the European Commission's trade strategy. The blurring of trade and security has been visible in many corners of EU trade policy. For more information, see [here](#).



identifying with the LGBTQ+ community but also targets digital spaces through [Section 12](#) of the bill which imposes harsh penalties for using the internet or technological platforms to post and promote prohibited activity under the bill such as content supporting and creating sympathy for the LGBTQ community. This will lead to an increase in forced self-censorship as well as censorship by digital platforms hosting such content. Jordan has unlike Ghana not explicitly criminalized same-sex relations but has suppressed the community through its [2023 Cybercrime Law](#). This law contains vague provisions that could be used to restrict digital content on advocacy of LGBTQ+ rights such as that in Articles 13 and 14 which penalize the promotion of immoral content. This law also prohibits VPNs and encryption tools and negatively affects the LGBTQ people who use these tools to maintain their online anonymity. This forces them to choose between online safety and expressing their identities. Russia's approach is perhaps the most severe one among these countries. In 2022 Russia introduced a law that expanded its ban on "[LGBT propaganda](#)" and criminalized public discussion and promotion of

LGBTQ content on online platforms. Russia's federal media oversight agency has already [fined TikTok](#) for promoting LGBTQIA+ content. Apart from this, the Supreme Court of Russia in November 2023 designated the "international LGBTQ movement as ["extremist"](#) and further suppressed the digital rights of its members by criminalizing support for these groups with harsh penalties. After this judgment, heavy penalties have been imposed on many people for [displaying LGBTQIA+ symbols](#) on social media platforms. This showcases this judgment's severe impact.

All these governments justify the basis of their extreme policy actions differently: Ghana uses the [protection](#) of African values, Jordan [uses](#) public morality, and Russia [claims](#) to defend traditional norms against Western influence. Though there is a difference in policies of these countries with respect to their varying degrees of restrictions, all of them use oppressive laws to create fear and severely restrict the digital rights of LGBTQ people regarding their freedom of expression, access to information, and their ability to form online communities.

Upcoming Activities

Call for Papers: ASIL International Economic Law Biennial Conference:

The next ASIL International Economic Law Biennial Conference will be held on 16 – 17 May 2025, at Michigan Law, in Ann Arbor, Michigan. Applications are now open for paper and panel proposals, and the deadline by which to submit a proposal is 15 October 2024. For more information, see [here](#).



The cases of Ghana, Jordan, and Russia which are just a few among the many governments bringing new policies to suppress the digital rights of the LGBTQIA+ community are highly concerning. While the [UN has general frameworks](#) for digital rights, there is an [urgent need](#) for specific international frameworks that address the unique challenges faced by the LGBTQIA+ community online. The international frameworks should [expand their scope](#) beyond traditional issues of the LGBTQ community such as marriage equality and recognize issues such as the violation of rights of this community in the digital space. [These frameworks should](#) change policies discriminating against the LGBTQ community so that they can fully exercise their basic digital rights and also ensure measures to increase participation of this community in the technology debates and policy-making to increase awareness of the digital challenges faced by the community.

There are [various governments](#) introducing policies to ensure inclusivity for LGBTQ people. Countries like [Norway](#), [Uruguay](#), [Chile](#), and [Canada](#) are ranked among the best for LGBTQ rights according to the [Equaldex Equality](#)

[Index](#) of 2023. In all these countries same-sex marriage is legal and discrimination on the grounds of sexual orientation and gender expression is prohibited. Such policies also extend and have a positive impact on the online expression of LGBTQ people. For example, Chile has been a forerunner in [including provisions](#) related to the exercise of rights such as freedom of speech and protection of data in digital environments in its draft constitution. Although there are challenges in fully implementing these provisions, such policies show a positive step ahead. Canada also has [recognized](#) the need for the protection of rights and freedoms of individuals in offline as well as online spaces. In February 2024, Canada introduced a bill to enact the [Online Harms Act](#), which if passed will include a wide variety of provisions for reducing the risk of harmful content online through a comprehensive regulatory framework. However, the broad regulatory powers granted to the government through this bill bring up [concerns](#) about striking a balance between free speech and safety. All this means that there is a lot more to be done even in countries that recognize the rights

Upcoming Activities

Call for Papers: Jean Monnet Saar:

Jean Monnet Saar has issued a call for papers in English or German for their online-symposium "Regulation of Artificial Intelligence in Europe". Jean Monnet Saar is an academic blog that actively contributes to the open access transformation of academic publishing in order to make European Union law, European international law and developments in European integration accessible to the general public. The aim of the symposium is to analyse the current challenges in dealing with AI in European Union law and European international law. The focus may be on issues of constitutional law, fundamental rights or data protection law where current problems are identified and possible solutions developed. The deadline for submissions is 1 September 2024. For more information, see [here](#).



of LGBTQ people, to develop comprehensive frameworks that are specifically about digital rights of the LGBTQ community. This further emphasizes the need for specific international frameworks that will offer adequate protection and enable the empowerment of the LGBTQ community in the online sphere.

Upcoming Activities

Call for Submissions: *Jurídica Ibero*:

The Law Department at Ibero-American University has announced a call for papers for its academic journal, *Jurídica Ibero*. They invite scholars and practitioners to contribute to the upcoming special issues on International Arbitration and Transitional Justice. Special Issue: Transparency in International Arbitration: Advances and New Challenges has a submission deadline of 7 October 2024. For more information, see [here](#).

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