

INDIA-CHAPTER OF ASIAN SOCIETY OF INTERNATIONAL LAW

ASIAN SOCIETY OF INTERNATIONAL LAW

The following information on Asian Society of International Law is produced here for readers to be informed about the India-chapter of Asian Society of International Law. These materials are edited and procured from <http://law.nus.edu.sg/asiansil/>

The CPIL acknowledges the source and with gratitude publishes the same for information sake.

The Asian Society of International Law (AsianSIL) is a region-wide forum for interaction among scholars and practitioners of public and private international law either based in or interested in Asia. It was established in April 2007 at an inaugural meeting at the National University of Singapore attended by, among others, then-President of the International Court of Justice Dame Rosalyn Higgins and Singapore Foreign Minister George Yeo. The Society is an international non-partisan, non-profit, and non-governmental organization with the following objectives:

- ❖ To promote research, education and practice of international law by serving as a center of activities among international law scholars and practitioners in Asia and elsewhere, in a spirit of partnership with other relevant international, regional and national societies and organizations;
- ❖ To foster and encourage Asian perspectives of international law; and
- ❖ To promote awareness of and respect for international law in Asia.

The first President of the Society was Hisashi Owada, current President of the International Court of Justice. The current President of the Society is Judge Hanqin Xue, also a member of the International Court of Justice and until 2010 China's Ambassador to ASEAN and member of the International Law Commission. The Society is in the process of establishing the *Asian Journal of International Law*, which will be published by Cambridge University Press beginning in 2011.

PRESIDENT'S WELCOME

The Asian Society of International Law was launched during the Inaugural Meeting of 7-9 April 2007. The Society's establishment was in response to the need of the international lawyers in Asia for a region-wide forum for intellectual interaction on the important issues of peace and security, international trade and investment, human rights, environment, and many other fields of international activities. This will enable the international lawyers of the region to contribute to the development of international law on a global basis and to consolidate the rule of law at a time when Asia has risen as an active and influential global player.

Since 2004, six preparatory meetings were held in Singapore (July 2004), Tokyo (October 2004), Beijing (March 2005), Seoul (December 2005), Bangkok (July 2006) and Tokyo (October 2006) to bring the plan to fruition. Scholars and practitioners working in the field of international law from China, India, Indonesia, Japan, Malaysia, Nepal, Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand and Viet Nam had also met to create an agenda for the promotion of international law in Asia.

In the organization of its functions, the Society places its special emphasis on serving as a common forum for interaction among scholars and practitioners alike in Asia (and more broadly in other regions) on issues relating to the region; as well as encouraging especially young international lawyers (including both scholars and practitioners) to bring in new blood to the Asian community of international lawyers, with a view to creating a new momentum for promoting the study of international law in this part of the world.

The Society aims at being open and inclusive rather than exclusive. Its leadership, while focusing on Asian scholars and practitioners, is open to anyone interested in our activities, especially in relation to international law issues in the Asia-Pacific region.

The objectives of the proposed Society are to:

- ❖ serve as a center of activities among international lawyers in Asia for study and research in the discipline of international law;
- ❖ foster and promote Asian perspectives of international law in research and education;
- ❖ provide a forum, especially for younger international lawyers in Asia, for intellectual interaction in the field of research and practice in international law;
- ❖ increase public awareness of the importance of international law in Asia; and
- ❖ co-operate with other sister institutions in other parts of the world – international, regional and national societies working in the field of international law.

To attain its objectives, the Society aims to:

- ❖ organize biennial conferences, regional seminars, sub-regional workshops and other meetings;
- ❖ undertake publications for the Society, including the proceedings of the conferences organized by the Society; and
- ❖ collect database and disseminate information relating to research, academic activities and state practice in the field of international law in this part of the world.

(Excerpted from the address by the President of Asian Society of International Law, OWADA Hisashi, Judge of the International Court of Justice)

OVERVIEW

The Asian Society of International Law (AsianSIL) is an international non-partisan, non-profit and non-governmental organization with the following objectives:

- ❖ To promote research, education and practice of international law by serving as a center of activities among international law scholars and practitioners in Asia and elsewhere, in a spirit of partnership with other relevant international, regional and national societies and organizations;
- ❖ To foster and encourage Asian perspectives of international law; and
- ❖ To promote awareness of and respect for international law in Asia.

To these ends, the functions of the Society include organizing conferences, regional and subregional seminars, workshops and other meetings; undertaking publication for the Society, including the proceedings of the conference organized by the Society; and collecting and disseminating information relating to research, academic activities and other developments relevant to Asia in the field of international law.

There are currently two chapters of the AsianSIL. They are the *Japan Chapter of Asian Society of International Law* and the *Malaysian Chapter of Asian Society of International Law*.

CONSTITUTION

Article 1: Name

This Society shall be known as “The Asian Society of International Law” (hereinafter referred to as “the Society”). Its abbreviated name shall be AsianSIL.

Article 2: Objectives

The Society is an international non-partisan, non-profit and non-governmental organization with the following objectives:

- a. To promote research, education and practice of international law by serving as a center of activities among international law scholars and practitioners in Asia and elsewhere, in a spirit of partnership with other relevant international, regional and national societies and organizations;
- b. To foster and encourage Asian perspectives of international law; and

- c. To promote awareness of and respect for international law in Asia.

Article 3: Functions

The Society shall endeavour to achieve its objectives by, inter alia:

- a. organizing conferences, regional and sub regional seminars, workshops and other meetings;
- b. undertaking publication for the Society, including the proceedings of the conference organized by the Society; and
- c. collecting and disseminating information relating to research, academic activities and other developments relevant to Asia in the field of international law.

Article 4: Membership

1. Any person who has an interest in and respect for international law and supports the objectives of the Society may be eligible for membership of the Society.

2. The Society has individual members, honorary members and institutional members.

- a. An individual member is a natural person who meets the criteria of paragraph 1, has been admitted by the Executive Council (hereinafter referred to as “Council”) and has paid the membership fee.
- b. An honorary member is a natural person who has rendered distinguished service to the cause which the Society is formed to promote and, upon nomination of the Council, has been elected for life by the Society. Honorary members shall have all the privileges of individual members without paying the membership fee.
- c. An institutional member is a corporation, partnership, association or other organization which meets the criteria of paragraph 1, has been admitted by the Council and has paid the membership fee for institutional membership. Each institutional member shall be represented by one natural person, who shall participate as an individual member. Institutional members which are national societies/associations of international law may be represented by more than one natural person who shall participate as individual members. The number of natural persons shall be determined in proportion to the annual fee paid by the national society in the year in question.
- d. The Council may establish additional categories of membership upon such terms and with such fees as it shall determine.

3. The Secretariat shall maintain a register in which the names and addresses of all members shall be listed.

Article 5: Patrons of the Society

1. Any individual or institutional member donating to the Society an amount to be determined by the Council may be named as a patron of the Society.

2. A patron of the Society is entitled to all the rights and privileges of membership in the Society during his/her/its life.

Article 6: Admission

Upon the submission of an applicant for membership to the Society, the Council shall decide on the admission of the applicant in accordance with the present Constitution.

Article 7: Suspension and Termination of Membership

1. Membership shall terminate as a result of:

- a. Death or dissolution of that member;
- b. Resignation;
- c. Failure to pay the annual membership fee for more than two years, unless there are special circumstances recognized by the Council; or
- d. Disqualification by the Council on the ground that the member has acted in a manner contrary to the objectives of the Society.

2. When membership terminates in the course of the Society's year, any annual fees due shall remain due in full.

Article 8: Annual Membership Fee

Annual membership fee for each category of members shall be determined by the Council, having due regard to the income levels across the Asian region and elsewhere.

Article 9: Executive Council

1. The Council shall have the power to make decisions concerning the management of the Society except as otherwise specifically provided in this Constitution.

2. The Council shall consist of not less than fifteen and not more than thirty members, or such number of members as determined by the Council to ensure the wide and equitable geographical representation at the Council, but no more than three of whom may be nationals of the same

country. The term of the Council shall be for two years and no member may serve on the Council for more than four consecutive terms of two years.

3. Candidates for membership in the Council shall be placed in nomination either by a petition signed by not less than two other members of the Society, which must include two nationalities, and submitted at least thirty days in advance of the regular General Meeting or on the report, submitted at least sixty days in advance of the regular General Meeting, of a Nominating Committee, which shall consist of the seven members, but not more than one member shall be the national of the same country, receiving the highest number of ballots at the business session of the preceding General Meeting of the Society. Nominations for membership on the Committee shall be made by the Council. For all members of the Council as to whom there is no nomination by petition, election shall be by a single ballot cast by the Secretary of the Society at the business session of the General Meeting. In the event there is a nomination by petition for any member of the Council, that member shall be elected by a majority of the members of the Society voting. In electing the members of the Council, arrangements should be made so that the composition of the Council will meet the need for equitable geographical representation.

4. The Council shall have the power to fill vacancies in its membership occasioned by death, resignation or for other causes by appointing an eligible person by a majority vote of its members as provided under paragraph 6 below. Such an appointee shall hold office until the expiry of the term of office of his/her predecessor, and shall be eligible for re-election as provided under paragraph 3 above.

5. The Council shall meet simultaneously with the General Meeting or on the call of the President. In the latter case, at least thirty days' notice of a special meeting shall be given to members of the Council. Including this, it shall meet at least once a year.

6. Decisions of the Council shall be taken by a majority of the members present and voting. The quorum for a decision is one half of the membership. The President or any other member of the Council chairing Council meetings shall have the casting vote.

7. The minutes of each Council meeting shall be drawn up by the Secretary and be approved and signed by the Chair of the meeting.

8. The Council may adopt by-laws to implement the Constitution of the Society or to regulate matters not specifically provided in this Constitution.

Article 10: Advisory Council

1. The Society shall have an Advisory Council to assist and advise the Council and the General Meeting in promoting the objectives of the Society.
2. The Advisory Council shall consist of not less than fifteen and not more than thirty members or such number of members as determined by the Council to ensure the wide and equitable geographical representation at the Council, but no more than three of whom may be nationals of the same country.
3. Members of the Advisory Council shall be entitled to:
 - a. attend the meetings of the Council and the General Meeting as observers;
 - b. refer questions to the Council and the General Meeting for their consideration; and
 - c. advise on queries raised by the Council or the General Meeting to the Advisory Council.

Article 11: General Meeting

1. The General Meeting shall have, inter alia, the following tasks and functions:
 - a. To adopt and make amendments to the Constitution of the Society, having due regard to the opinion and advice of the Council;
 - b. To receive and consider reports from the Council on the activities of the Society;
 - c. To discuss general policy direction and activities of the Society in general; and
 - d. To receive and consider the balance sheet and explanatory notes thereto from the Treasurer.
2. The Society shall hold a General Meeting of all members at least once in two calendar years and at other times as determined by the Council. The general meetings shall be chaired by the President of the Council or another member of the Council to be the Vice-President or other person designated by the President.
3. The date and the location of the General Meeting shall be determined by the Council. In determining them, the Council should take into account the date and location of a regular General Meeting organized by the Society.
4. All members shall be entitled to attend the General Meeting.
5. Each and every individual and honorary member of the Society whose membership is in good standing shall have the right to cast one single vote.

6. A member may cast a vote by entrusting a written proxy to the Council or a fellow member. A member may act as proxy on behalf of a maximum of three other members.

7. Where the Constitution does not provide otherwise, decisions of the General Meeting shall be taken by a majority of the individual and honorary members voting. Unless the Constitution provides otherwise, valid decisions can be reached by the General Meeting only when at least one seventh of the individual and honorary members are present or represented at the meeting.

8. The minutes of each General Meeting shall be drawn up by the Secretary and be approved and signed by the Chair of the meeting.

Article 12: Officers of the Society

1. A President, one or more Vice-President(s), Secretary General and a Treasurer of the Society shall be elected by a vote of the Council from among its members. The President, the Vice-President(s), the Secretary, the Treasurer and other members of the Council to be designated by the President shall form the Steering Committee of the Society.

2. All elected positions shall be for a two-year term. No member may serve as President for more than single two-year term.

3. The President shall chair the Council and the General Meeting of the Society. In the absence of the President, these duties shall devolve upon one of the Vice-Presidents or any other member of the Council to be designated by the President.

Article 13: Corporate Secretariat

1. The Society shall be incorporated as a company limited by guarantee under the laws of Singapore and shall have its registered office in Singapore.

2. The Secretariat of the Society shall be located at the National University of Singapore.

3. In spite of paragraph 1, the Council shall have the power to change the seat of the Secretariat of the Society when the Council deems it appropriate to do so.

4. The Secretariat shall be headed by the Secretary General of the Society.

5. In keeping with the directions of the Council, the Secretariat shall:

- a. manage the day-to-day affairs of the Society;
- b. keep the records and conduct the correspondence of the Society;
- c. prepare the General Meetings and the meetings of the Council; and
- d. perform such other duties as may be assigned to the Secretary by the Executive Council.

Article 14: Treasurer

The Treasurer shall:

- a. keep financial records;
- b. receive and have the custody of the funds of the Society; and
- c. prepare a balance sheet of revenues and expenses and explanatory notes thereto under the direction of the Council.

Article 15: Financial Resources

1. The Society's financial resources shall consist of:

- a. annual membership fees paid by individual and institutional members, determined in accordance with article 10;
- b. the net balance of conferences;
- c. the proceeds from the use of the Society's resources;
- d. resources obtained in public tenders or offered directly for certain projects or programmes within the mandate of the Society;
- e. donations;
- f. subsidies;
- g. testamentary dispositions under universal title and legacies; and
- h. other revenues obtained by the Society.

Testamentary dispositions under universal title may solely be accepted under the benefit of inventory.

2. Donations, subsidies, testamentary dispositions, legacies and any other financial support to the Society must be compatible with the objectives of the Society. The Council shall determine on the compatibility of a financial support with the objectives of the Society.

Article 16: Budget

1. The Society's fiscal year shall run from the first day of January through the thirty-first day of December.

2. The Council shall draw up a balance sheet of revenues and expenses together with explanatory notes and submit that balance sheet and those notes to the General Meeting. Those documents shall be signed by the President and the Treasurer.

3. The General Meeting shall, at each regular session, appoint a committee for the purpose of auditing the financial documents as referred to in paragraph 2. That committee shall report on its findings to the General Meeting. The Council shall be bound to cooperate with the committee by, inter alia, furnishing all the information the committee requests for its review.

Article 17: Language

The working language of the Society shall be English.

Article 18: Amendments

1. A proposal for the amendment of this Constitution may be submitted either by fifty members of the Society who shall include at least five different nationalities or by the Council.

2. The proposal to amend the Constitution shall be submitted at least six months prior to the convening of the General Meeting. If the proposal is submitted by a group of fifty or more members, the Council shall deliver its opinion and advice, in writing, to the General Meeting. The Council may put forth a proposal for the amendment of the Constitution with the consent of an absolute majority of its members.

3. A decision to amend the Constitution shall be adopted by three-quarters of the votes cast at the General Meeting.

Article 19: Dissolution

The Society may be dissolved by a decision reached by the General Meeting. Paragraphs 1 through 3 of Article 19 shall apply, mutatis mutandis, to the decision to dissolve the Society.

Article 20: Disputes

Any and all disputes as to the interpretation to be given to the text of this Constitution or matters which are not provided for herein or not sufficiently provided for herein shall be settled by the General Meeting.

Transitory Provisions

1. Notwithstanding paragraph 3 of article 9, the inaugural Council shall, subject to approval by the inaugural General Meeting, consist of the members of the provisional Council who have made the arrangements and preparations for the establishment of the Society. The first election of the Council members in accordance with paragraph 3 of article 10 shall be conducted at the regular General Meeting immediately next to the inaugural General Meeting.

2. This Constitution shall enter into force at the point of time when all the requirements under the laws of Singapore for the registration of the Society have been duly met.

**INDIA-CHAPTER OF ASIAN SOCIETY OF INTERNATIONAL LAW AT GUJARAT NATIONAL
LAW UNIVERSITY
AND CENTER FOR PUBLIC INTERNATIONAL LAW (CPIL)**

INTRODUCTION

During the inauguration of Center for Public International Law (CPIL) our esteemed Director of Gujarat National Law University requested the dignitaries Dr Narinder Singh and Dr Gudmundur Eriksson to release the souvenir book of CPIL and the India-chapter of Asian Society of International Law along with their signatures in order to make it a solemn act and initiative on that day to express commitment and solidarity with the cause of public international law that CPIL and GNLU shall advance in India and Asia and world at large.

The following Charter of the India-chapter of Asian Society of International Law is also released.

CHARTER

Chapter 1- General Rules:

(Name)

Article 1

The Association shall be called Asian Society of International Law- India Chapter (Asian SIL-India Chapter).

(Purpose)

Article 2

The Association shall have as its purpose the promotion of awareness including teaching, development in the field of international law and to provide cooperation and facilitation of the activities, primarily in India, of Asian Society of International Law.

(Affairs)

Article 3

The Association shall undertake *inter alia* the following activities to achieve the purpose stated in Article 2:

- (i) holding of general meetings, and cooperation with Asian SIL in the formulation of plans for other activities;

- (ii) distribution of newsletters and other periodicals / journals that may be published by the Asian SIL- India Chapter;
- (iii) co-operation with Asian SIL regarding procedures for membership to Asian Society of International Law and collection of membership fees;
- (iv) take necessary steps for international scholarly exchange with the Asian SIL.
- (v) organizing conferences, seminars, workshops, talks, lectures etc. on various contemporary issues of international law and publication of resource materials on international law on behalf of Asian Society of International Law and Asian SIL- India-chapter.

Chapter 2- Members:

(Members)

Article 4

Members of the Asian SIL- India Chapter shall be individuals, juridical persons, students, research scholars or other organizations, who endorse the purpose stated in Article 2.

(Entry and withdrawal)

Article 5

1. Persons and organizations seeking membership of the Association shall submit the prescribed application form to the Association and with the approval of the Executive Council would become a member.

2. Persons and organizations seeking to leave the Association shall give notice to that effect to the Association.

(Membership fees)

Article 6

The Association may collect membership fees and donations from members as prescribed by the Executive Council from time to time.

Chapter 3- Officers:

(Office bearers)

Article 7

The Association shall have the following office bearers:

- i) A President (ex-officio Senior Most Judge of the Supreme Court of India)
- ii) Three Vice- Presidents
- iii) Ex-Officio Members
- iv) A Secretary General
- v) Secretary
- vi) A Secretary/Assistant Secretary
- vii) A Treasurer

(Executive Council)

Article 8

8.1 There shall be an Executive Council, which shall comprise the office bearers, Ex-officio members and five elected members. The total number of members constituting the Executive Council shall not exceed fifteen. Except the Ex-officio members, all other members of the Executive Council including the office bearers shall be elected by the General Body.

8.2 Ex-officio members comprise:

- a) The members elected from India to the Executive Council of the Asian SIL;
- b) Legal Advisor & Joint Secretary, Legal & Treaty Division, Ministry of External Affairs, Government of India; and
- c) President, Indian Society of International Law

8.3 The President shall preside over the meetings of the Executive Council and in his absence, one of the Vice-Presidents shall preside over such meetings.

(Duties of the office bearers and Executive Council)

Article 9

1. The Executive Council shall be responsible for taking all policy decisions and shall formulate an operational plan and decide any other matters necessary for the functioning of the Association.

2. The Treasurer shall be responsible for maintenance of assets and accounts of the Association.

(Term of office)

Article 10

1. Term of the Executive Council including the office bearers shall be three years. However, the term of a member filling a vacancy shall be the remaining period of the predecessor.
2. All the office bearers and members of the Executive Council may be re-elected.
3. In case an office bearer / member resigns before the expiry of the term of his office, he / she shall perform his / her duties until his / her successor is appointed.

(Advisers)

Article 11

The Executive Council may appoint advisers, as it deems appropriate to further and promote the object and purpose of Asian Society of International Law – India-chapter.

Chapter 4- General Meeting:

(General meeting)

Article 12

1. The Association shall hold an Annual General Meeting once every year and Extraordinary General Meetings as necessary.
2. The General Meeting shall be convened by the Secretary-General in consultation with the President.
3. All the members of the Executive Council including the office bearers shall be elected in a General Meeting convened for the purpose once in three years and to ensure that there is not hiatus between the expiry of the term of the outgoing members and the election of the incoming members.

(Composition)

Article 13

The General Meeting shall be composed of members of the Association.

(Proceedings)

Article 14

Notwithstanding the provisions of this Charter, the General Meeting shall have the power to determine such matters as it may deem appropriate.

Chapter 5- Secretariat:

(Secretariat)

Article 15

1. The Association shall have a Secretariat, headed by the Secretary-General and aided and assisted by the Secretary / Assistant Secretary.
2. The Secretary and the Assistant Secretary shall assist the Secretary-General in the, planning and management of the day to day affairs of the Association including financial and general affairs, property management, accounting, and to co-ordinate the activities of the Association.
3. Gujarat National Law University, Gandhinagar, Gujarat, India would serve as the Secretariat of the association.

Chapter 6- Assets and Accounts:

(Assets and Accounts)

Article 16

1. The assets of the Association shall comprise of the following:
 - (i) membership fees;
 - (ii) donated money and goods; and
 - (iii) other income.
2. The budget for income and expenditure of this association shall be determined by the Executive Council before the commencement of the financial year and, upon the expiration of the financial year, the settling of accounts together with an inventory of assets current to the end of the financial year shall receive the approval of the Executive Council, having passed through the examination of an auditor appointed by Executive Council.

(Financial year)

Article 17

The financial year of this association shall begin annually on the first of April and end on the 31st of March of the following year.

Chapter 7- Supplementary Provisions:

(Amendment)

Article 18

The Charter may be amended by a resolution passed at the General Meeting by 2/3rd majority of the members present and voting.

(Rules of operation)

Article 19

Notwithstanding the provisions of this Charter, the Executive Council shall determine all matters necessary for the management of the Association.

(Effective Date)

Article 20

This Charter shall take effect from the date of adoption of the Charter.

(Financial year)

Article 21

Regardless of the provision in Article 17, the financial year for the inaugural year of the Association shall be from the day of the association's founding until the 31st of March, 2011.

(Officers / Members at launching of this Charter)

Article 22

From the time of founding of the Association until the convening of the General Meeting in the Association's second year, the proposed office bearers, Executive Council members, and auditors shall be as follows:

President:	Ex-Officio, Senior most Judge, Supreme Court of India (Hon'ble Mr Justice Altamas Kabir, Judge, Supreme Court of India)
Vice-Presidents:	Hon'ble Mr Justice Vikramjit Sen, Delhi High Court Mr Amal K. Ganguli, Senior Advocate, Supreme Court of India Mr C. Jayaraj, Advocate, Supreme Court of India
Secretary-General:	Mr Bimal N. Patel, Director, Gujarat National Law University
Secretary:	Dr K. Parameswaran, Associate Professor of Law Gujarat National Law University
Ex-Officio	Legal Advisor and Joint Secretary, Legal and Treaties Division, Ministry

Members: of External Affairs, Government of India
(Dr Narinder Singh)
President, Indian Society of International Law
(Professor R. P. Anand)
Executive Members of Asian Society of International Law (India)
(Professor V. S. Mani and Professor B. S. Chimni)

Assistant Secretary: **Student** Mr Rishav Banerjee, Gujarat National Law University

Treasurer: To be nominated by the members at an appropriate time

Adopted and agreed upon by following on Sunday, 3 October 2010 at Gujarat National Law University, Gandhinagar, Gujarat, India:

1. Dr Narinder Singh

Joint Secretary & Legal Advisor

Head of the Legal & Treaties Division, Ministry of External Affairs, Government of India

Former Counsellor in the Permanent Mission of India to UN (New York)

Editorial & Executive Member, Indian Society of International Law

Signed:

2. Mr Bimal N. Patel

Director, Gujarat National Law University, Gandhinagar

Founder President, Center for Public International Law (CPIL)

Signed:

3. Dr K. Parameswaran

Director of Center for Public International Law (CPIL)

Associate Professor of Law, Gujarat National Law University, Gandhinagar

Signed:
