

Mr. Sreenivasa Rao Pemmaraju

Visiting Professor and Director

Justice Jeevan Reddy Center for International Trade and Business

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Education:

J.S.D., Yale Law School, 1970, USA

LL.M., Yale Law School, 1968, USA

M.L., Andhra University, India

B.A., Andhra University, India

Present Position:

Visiting Professor and Director, Justice Jeevan Reddy Center for International Trade and Business, NALSAR University of Law, Hyderabad, India

Positions Held:

1. **Arbitrator**, Permanent Court of Arbitration, in the matter of the *Enrica Lexie Incident* between Italy and India (December 2018-May 2020)
2. **Senior Adviser** for the State of Qatar before the International Court of Justice (since July 2018)
3. **Judge**, Permanent Court of Arbitration, in the case concerning the *Maritime Boundary Dispute between India and Bangladesh* (2010-2014)
4. **Arbitrator** in the dispute between Libya and Switzerland (2009-2011)
5. **Judge Ad Hoc**, International Court of Justice, in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Pateh, Middle Rocks and South Ledge (Malaysia/Singapore)* (2004-2008)
6. **Expert** Opinion on “Jurisdictional Immunities of States and their Property: Process of Development under international law”, for submission to a court of The Netherlands (April 26, 2018)
7. **Consultant**, Report prepared on Indian environmental regulations and exploration and exploitation of oil and gas at the request of the Russian International and Comparative Law Research Center (February 10, 2018)
8. **Adviser**, Office of Public Prosecution, State of Qatar (2006- 2021)
9. **President**, Institut De Droit International (2015- 2017)
10. **First Vice-President**, Institut De Droit International (2013-2015)

11. **Member**, Institut De Droit International (since 2005)
12. **Associate Member**, Institut De Droit International (1999-2005)
13. **Chair**, International Law Commission (1995)
14. **Chair**, Drafting Committee of the International Law Commission (1997)
15. **Special Rapporteur** on the topic of International Liability, International Law Commission (1997-2006)
16. **Member**, International Law Commission (1987-2006)
17. **Co-agent and Advocate**, for the Republic of India in the Case concerning the Aerial Incident of 10th August 1999 (Pakistan V. India)-Jurisdiction of the Court (October 1999-21 June 2000)
18. **Additional Secretary and the Legal Adviser**, Ministry of External Affairs, Government of India (June 2001-May 2002)
19. **The Chief Legal Adviser**, Ministry of External Affairs, Government of India (1985-2002)
20. **Member**, Indian delegations to various International Legal Conferences including the Third UN Conference on the Law of Sea (1977-1982) and the UN Conference on the conclusion of the 1998 Rome Statute of the International Criminal Court
21. **Leader of several bilateral negotiations** between India and other Countries (1975-2002); presented and piloted India's proposal on the Comprehensive Convention against International Terrorism (1999-2002)
22. **Chairman**, Drafting Committee, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (adopted on 22 March 1989)
23. **Member**, official team, Indian delegation to the UN General Assembly (1982-2002)
24. **Member**, Group of Coordinators of the Legal Advisers of Foreign Offices of Member States of the United Nations (1992-2002)
25. **President**, Asian African Legal Consultative Organization (2001-2002, 1998-1999)
26. **Chairman**, Panel Discussion on Disarmament, Centennial Celebrations of First Hague Peace Conference, The Hague, Netherlands (May 17-20,1999)
27. **Chairman**, Panel Discussion on Peaceful Settlement of Disputes, Centennial Celebrations of the First Hague Peace Conference, St. Petersburg, Russia, (June 22-25, 1999)
28. **Member**, Advisory Council, Asian Society of International Law (2013-

29. **Member**, Advisory Board, Asian Academy of International Law Limited (Hong Kong)
30. **Member**, Advisory Board, Asian African Journal of International Law (Feb.2019-
31. **Senior Consultant**, World Intellectual Property Organization (2002- 2004)
32. **Visiting Professor**, Institute of Boundary and Ocean Studies, Wuhan University, China (2015)
33. **Visiting Professor**, Jawaharlal Nehru University, New Delhi (2002-2004), and Damodaram Sanjivayya National Law University, Visakhapatnam (2008-2010)
34. **Visiting Professor**, Michigan University Law School, Ann Arbor, Michigan (Fall 2003)
35. **Guest Fellow**, Max-Planck-Institut für Ausländisches Öffentliches und Volkerrecht, Heidelberg, Germany (2006)
36. **Member, Former Vice-President**, Editorial Board, Indian Journal of International Law
37. **Governing Board Member**, Asian Society of International Law, Singapore
38. **Governing Board Member**, Asian Academy of International Law, Hong Kong
39. **Fellow** (Post Doctoral works and research), Marine Policy Programme, Woods Hole Oceanographic Institution, Woods Hole (Sept. 1972-Nov. 1974)
40. **Fellow** (Post Doctoral works and research), the Woodrow Wilson International Center for Scholars, Washington, D.C. (Jan.1971-June 1972)
41. **Research Associate**, Department of International Law, The Indian School of International Studies, New Delhi (Sept.1965-June1967)
42. Published several articles in journals of international law and contributed chapters to some edited works and Festschriften in honor of Professors Arangio-Riuz, Oscar Schachter, and Gerhard Hafner; and Judge Bruno Simma, Sir Ian Brownlie and Judge Abdul Koroma.

Publications:

- I. **Book:** *Public Order of the Ocean Resources: A Critique of Contemporary Law of the Sea*, MIT Press, Cambridge, Massachusetts, 1975.
- II. **Monograph:** *Professor S. Venkatraman Endowment Lecture, International Rule of Law: Problems and Prospects*, Andhra University, Visakhapatnam, 2021.
- III. **Separate and dissent opinions: as an Ad Hoc Judge of the International Court of Justice and as Arbitrator at the Permanent Court of Arbitration, The Hague, Netherlands:**

1. Concurring and Dissenting opinion of Judge Sreenivasa Rao Pemmaraju (Dr. P.S. Rao), *Award in the Arbitration Concerning the "Enrica Lexie Incident" (Italy v. India)*, Permanent Court of Arbitration (PCA), case No. 2015-28.
2. Concurring and dissenting Opinion of Judge Ad Hoc SREENIVASA RAO, *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*, *Judgment, I.C.J. Reports 2008*, p. 12, pp.153-164.
3. Concurring and Dissenting Opinion Dr. P.S. RAO, *Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India*, Permanent Court of Arbitration (PCA), Case No. 2010-16, 07-07-2014, pp.1-22.

IV. Statements and comments at the Institut de Droit International, Sessions 2001-2015 (except Session 2007), *Annuaire De L'Institut De Droit International*, vols. 69-76.

V. Statements and comments on different subjects of international law, as a Member of the International Law Commission: *Yearbook of International Law Commission, vol. I (Summary Records)*, 1987-2006.

VI. Reports submitted to the International Law Commission:

1. Third report on the legal regime for the allocation of loss in case of transboundary harm arising out of hazardous activities (A/CN.4/566), 7 May 2006.
2. Second report on the legal regime for the allocation of loss in case of transboundary harm arising out of hazardous activities (A/CN.4/540), 15 March 2004.
3. First report on the legal regime for allocation of loss in case of transboundary harm arising out of hazardous activities (A/CN.4/531), 21 March 2003.
4. Third report on international liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities) (A/CN.4/510), 9 June 2000.
5. Second report on international liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities) (A/CN.4/501), 5 May 1999.
6. First report on prevention of transboundary damage from hazardous activities (A/CN.4/487 and A/CN4/487/Ad.1), 18 March 1998 and 5 April 1998.
7. International liability for injurious consequences arising out of acts not prohibited by international law (Prevention of transboundary damage from hazardous activities) (A/CN.4/L.556), 2 June 1998.
8. "Extra Territorial Application on National Legislation: A Synopsis of the issues likely to be involved in Codification of International Law" (ILC/WG/LTPW/93/1), Note submitted to the Working Group on Future Topics of the International Law Commission, 3 May 1993, pp. 95-108.

VII. Chapters contributed to edited volumes:

1. “General Principles Governing Acquisition of Title to Territory” in *Public International Law Colloquium on Maritime Dispute Settlement*, Hong Kong International Arbitration Center, Hong Kong, 2016, pp. 38a-38z.
2. “Opening Remarks as the Moderator” for the Special Panel on the South China Sea Arbitration initiated by the Republic of the Philippines, *Public International Law Colloquium on Maritime Dispute Settlement*, Hong Kong International Arbitration Center, Hong Kong, 2016, pp. 404-406.
3. “United Nations Responsibility from Authorizing the Use of Force” in M. Ragazzi, *Responsibility of International Organizations, Essays in Memory of Sir Ian Brownlie*, Martinus Nijhoff, Leiden-Boston, 2013, pp. 405-414.
4. “The Concept of ‘International Community’ in International Law and The Developing Countries” Ch. 21, in Ulrich Fastenrath, Rudolf Geiger, Daniel-Earasmus Khan, Andreas Paulus, Sabine von Schorlemer and Christoph Vedder, *From Bilateralism to Community Interest, Essays in honor of Judge Bruno Simma*, Oxford University Press, Oxford, 2011.
5. “The Concept of International Community in International Law: Theory and Reality” in Isabelle Buffard, James Crawford, Alain Pellet and Stephan Wittich (eds.), *International Law between Universalism and Fragmentation: Festschrift in Honour of Gerhard Hafner*, Martinus Nijhoff, Leiden-Boston, 2008.
6. “Advancing Education for Justice, Liberty and Peace”, in Abdulqawi A. Yusuf (ed.), *Standard Setting in UNESCO, Vol. I: Normative Action in Education, science, and Culture, Essays in Commemoration of Sixtieth Anniversary of UNESCO*, UNESCO Publication/Martinus Nijhoff, Paris/Leiden-Boston, 2007, pp.173-186.
7. “The International law Commission”, in *Encyclopedia on Public International Law (3rd edition)*, Oxford University Press for the Max Planck Institute of International law, Heidelberg, 2008.
8. “Role of Soft Law in the Development of International Law: Some Random Notes”, in *Fiftieth Anniversary Commemorative Volume of the Asian African Legal Consultative Organization*, 2007, pp. 62-91.
9. “Reservations to the Compulsory Jurisdiction of the International Court of Justice: An Indian Perspective” in *A Dialogue at the Court: Proceedings of the Colloquium held on the occasion of the Sixtieth Anniversary of the International Court of Justice*, The Hague, April 11-12, 2006.
10. “The Indian Position on some General Principles of International law”, in Bimal Patel (ed.), *India and International Law*, Martinus Nijhoff, Leiden-Boston, 2005, pp. 35-65.
11. “International Crimes and State Responsibility”, in Maurizio Ragazzi (ed.), *International Responsibility Today: Essays in Memoriam of Oscar Schachter* Martinus Nijhoff, Leiden-Boston, 2005, pp. 63-80.

12. "Countermeasures in International Law: The Contribution of the International Law Commission", in *Studi di Diritto Internazionale in onore Gaetano-Aranzio-Ruiz*, vol. 2, Editorial Scientifica, Napoli, 2004, pp. 853-880.
13. "The World Intellectual Property Organization", *The Encyclopedia on Globalization*, 2004.
14. "International Terrorism, Self Determination and National Liberation", in R. K. Dixit and C. Jayaraj (eds.), *Dynamics of international law in the New Millennium*, Manak Publications, New Delhi, 2004.
15. "An Indian Response to International Terrorism: A Comprehensive Convention on International Terrorism", in Omprakash Mishra and Sucheta Ghosh (eds.), *Terrorism and Low Intensity Conflict in south Asian Region*, Manak Publication, New Delhi, 2003.
16. "International Court of Justice", in the series of the United Nations Conference on Trade and Development, Course on Dispute Settlement, General Topics, 1. 2, United Nations, 2003.
17. "International Organizations and Use of Force", in N. Ando et al.(eds.), *Liber Amicorum Judge Shigeru Oda*, BRILL, Leiden, pp.1575-1608, 2002.
18. "International Law and Land Mines". in Christopher Raj (ed.), *Stalking Terror: Landmines in Peace and War*, Wordsmiths, pp. 166-169, 2000.
19. "Bilateral Investment Protection Agreement: A Legal framework for the Protection of Foreign Investments", in *Petroleum Industry in India - Legal, Financial and Environmental Issues*, India International Law Foundation, 2000, pp. 193-199.
20. "Environment as A Common Heritage of Mankind: A Policy Perspective" in Alain Pellet (ed.), *International Law on the Eve of The Twenty-first Century*, United Nations Publication, 1997, pp. 201-216.
21. "International Liability Arising out of Acts Not Prohibited by International Law: Review of Current Status of the Work of International Law Commission" in *Essays on International Law, Fortieth Anniversary Commemorative Volume of Asian-African Legal Consultative Organization*, 1997, pp. 97-114.
22. "The United Nations and International Peace and Security: "Disarmament Issues within a Legal Framework" in Julie Dahlitz (ed.), *Proceedings of the Symposium on the International Law of Arms Control and Disarmament*, United Nations Publication, 1996.
23. "An Indian Perspective": in Christian Tomuschat (ed.), *The United Nations at Age Fifty - A Legal Perspective*, Kluwer Law International, The Hague, 1995, pp. 143-184.
24. "Trends in International Criminal Jurisdiction" in M. S. Rajan (ed.), *United Nations at 50 And Beyond*, Lancers Books, New Delhi, 1995, pp. 53-74.

25. "Indian Ocean: Problems and Perspectives of Cooperation Within a Legal Framework": in N. Krishnan and S. Gabriel (eds.), *Indian Ocean: Problems and Perspectives for Cooperation*, Emerald Publishers, Madras, 1992.
26. "International Law in Developing Countries", paper contributed to *Beijing Symposium on Developing Countries and International Law*, 24-26 Aug 1992.
27. "United Nations Sixth (Legal) Committee and Development of International Law" in J.N. Saxena, Gurdip Singh, A.K. Kaul (eds.), *United Nations for a Better World*, Lancers Books, New Delhi, 1986, pp. 251-277.
28. "Exploitation of International Seabed Resources and the last phase of the Law of the Sea Conference: A Close Look" (co-authored with S. Rama Rao) in S.K. Agarwala, T.S. Rama Rao and J.N. Saxena (eds.), *New Horizons of International Law and Developing Countries*, International Law Association (Indian Branch), 1983, pp. 308-346.
29. "Structure and Powers of the International Seabed Authority" in R.P. Anand (ed.), *Law of the Sea: Caracas and Beyond*, Radiant, New Delhi, 1978, pp. 277-292.

VIII. Articles published in Journals:

1. "Optimum world order beyond war: a long view on current challenges", *Cambridge International Law Journal*, vol. 11, no. 2, 2022, pp. 154-179.
2. Review Essay, "Emmanuel Roucouas, A Landscape of Contemporary Theories of International Law, Brill/Nijhoff, 2019", *Chinese Journal of International Law*, vol. 20, 2021, pp. 173-200.
3. "Rule of law in International Relations: The Product of International Institutions and International Law", *National Capital Law Journal*, 2018.
4. "The identification of Customary International Law: a process that defies prescription", *Indian Journal of International Law*, vol. 57(3), 2018, pp. 221-258.
5. "The Jadhav Case (2017): India and Pakistan before the International Court of Justice", *Indian Journal of International Law*, vol. 56, 2016, pp. 379-403.
6. "Non-state actors and self-defence: a relook at the UN Charter Article 51", *Indian Journal of International Law*, vol. 56(2), 2016, pp. 127-17.
7. "The nature and function of international law: an evolving international rule of law", *Indian Journal of International Law*, 2015, Vol. 55, Issue 4, 2016, pp. 459-491.
8. "The South China Sea Arbitration (The Philippines v. China): Assessment of the Award on Jurisdiction and Admissibility", *Chinese Journal of International Law*, vol. 15, Issue 2, 2016, pp. 265-307.
9. "Multiple International Judicial Forums: a Reflection of the Growing Strength of International law or its Fragmentation?", *Michigan Journal of International Law*, vol. 25, 2004, pp. 929-960.

10. "International Liability for Transboundary Harm arising From Hazardous Activities", *Environmental Policy and Law*, vol. 34, 2004, pp. 224-231.
11. "Is the Nature of International Legal System changing?", *Austrian Review of International and European Law*, vol. 8, 2003, pp. 141-152.
12. "Enforcement of Foreign Arbitral Awards in India: The Condition of Reciprocity", International Council for Commercial Arbitration (ICCA), New Delhi Arbitration Conference, 2000.
13. "Legal Responses to International Terrorism", *Lex Times* (New Delhi), November 2000.
14. "The Case concerning the Aerial Incident of 10 August 1999 (Pakistan v. India)", Editorial Comment, *Indian Journal of International Law*, vol. 40, 2000, pp. 237-242.
15. "Comments on Article 19 of the Draft Articles on State Responsibility adopted by the International Law Commission", Editorial comments, *Indian Journal of International Law*, vol. 37, 1997, pp. 673- 676.
16. "Advisory Opinion of the International Court of Justice on Legality of the Threat on Use of Nuclear Weapons: An Assessment from Indian Perspective", *Indian Journal of International Law*, vol. 37, 1997, pp. 219-249.
17. "Sixth Meeting of Legal Advisers of the U.N. Member States", *Indian Journal of International Law*, vol. 36, 1996, pp.75-79.
18. "India and the Law of the Sea", *World Focus* (New Delhi), vol.177, 1994, pp. 15-19.
19. "Public Order of Oceans: Problems and Prospects", *Indian Journal of International Law*, vol.17, 1977, pp. 221-226.
20. "The Management of Deep Ocean Resources", *Indian Journal of International law*, vol. 15, 1975, pp. 501-505.
21. "Development and the Sea", *Woods Hole Oceanographic Institution Journal*, vol. XVII, 1973, pp. 6-11.
22. "Legal regulation of Maritime Military Uses", *Indian Journal of International Law*, vol.13, 1973, pp. 425-454.
23. "Law of Sea threatens Research", *Christian Science Monitor* (Boston), 11 December 1973, p. 16.
24. "Coastal Zone Management and World community", *Indian Journal of International Law*, vol. 13, 1973, pp. 511-516.
25. "The Seabed Arms Control Treaty: A Study in the Contemporary Military Uses of the Sea", *Journal of Maritime Law and Commerce*, vol. 4, 1972, pp. 67- 92.

26. "Offshore Natural Resources Exploitation: An evaluation of African interests", *Indian Journal of International Law*, vol.12, 1972, pp. 345-367.
27. "Authority and Control over Offshore Areas: In Defence of Common Interests", *Indian Journal of International Law*, vol.11, 1971, pp. 380-388.
28. "Conflicting Approaches to the Control and Exploitation of the Oceans", Panel Rapporteur for the Proceedings of the American Society of International Law, 1971.
29. "The South-West Africa Cases", *Africa Quarterly*, vol.6, 1967, pp. 236-253.
30. "The Contemporary Practice of India in International Law, 1963-64" (Joint authorship with M. Nagendra Singh), *International Studies*, vol. 8, 1967, pp. 457-500.
31. "The Law of the Continental Shelf", *Indian Journal of International Law*, vol.7, 1966, pp. 363-382.