

**Reflections on Adjudication in International Law**  
**A Tribute to Prof. V.S.Mani**



**[06 March 1942 - 22 August 2016]**

**By Bharat H. Desai**  
**CILS Friday Seminar;**  
**02 September 2016**

## **BRIEF BIO**

### **Venkateswara Subramanian Mani (V.S.Mani)**

- ❑ **BA and MA in Political Science, Utkal University (1962 and 1964)**
- ❑ **LL.B., M.S.Law College, Cuttack (1966)**
- ❑ **Ph.D. in International Law, Indian School of International Studies (1966-69) and School of International Studies, JNU (1974)**
- ❑ **Research Officer, Indian Society of International Law (1971-1975)**
- ❑ **Fellow in International Organization, CIPOD, SIS, JNU (Nov.1979-March 1985)**
- ❑ **Professor of International Law, CILS, SIS, JNU (1975 to 1979; March-June 1985 and 1990 to 2004)**
- ❑ **[Gandhinagar and Jaipur; 2004 to 2016]**

# SCHOLARLY CONTRIBUTION – I



Ph.D.Thesis: *Procedure Before International Tribunals: A Study in Contentious and Advisory Proceedings*

➤ International Adjudication: Procedural Aspects (New Delhi: Radiant Publishers 1980), pp.318 plus 102 page footnotes.

## HIGHLIGHTS

- ❑ Procedure assumes greater significance in international adjudication – as a dispute settlement device operating through a third party “on the basis of respect for law”.
- ❑ Procedure before such an adjudicative mechanism play a positive role in dispute settlement.
- ❑ Procedural mechanisms are geared up for promoting systematic & standardized communication between the States Parties to the dispute as well as between Parties and the tribunal.
- ❑ It comprises chapters on (i) Procedural Norms & Fundamental Procedural Rights (ii) Initiation of Proceedings (iii) Written Proceedings (iv) Oral Proceedings (v) Presentation of Evidence (vi) Intervention (vii) Interim Measures of Protection.
- ❑ It had all the ingredients for a possible treatise on *International Adjudicatory Procedural Law*.

## Book Reviews

### (i) Rosalyn Higgins (Modern Law Review; vol.49, 1986, p.658)

❑ The procedural aspects of international adjudication is a somewhat neglected topic.

Need to identify common procedural practices and requirements, analyse the functions they perform in a dispute solving context and examine relevant jurisprudence.

❑ “Dr.Mani’s volume does not achieve this magisterial task but is welcome and interesting nonetheless. It is a careful and through presentation that draws on an impressively wide range of source materials....footnoting throuhout reveals the enormous range of materials on which he has drawn and his great knowledge...it is an extremely interesting work on those aspects selected by Dr.Mani and will be of interest to the students, teachers and international practioners alike”.

# SCHOLARLY CONTRIBUTION-III



## II. Gerhard Wegen (Fordhan Inter. Law Jr.; vol.6, no.2, 1982, p.383)

- ❑ “Mani’s work is a through and painstakingly researched work of legal scholarship, especially in the treatment of international claims commissions and tribunals”.
- ❑ Refers to a series of six articles written during 1969 to 1973 (IJIL) on different procedural aspects such as (i) *audi alteram partem* (ii) interim measures of protection (iii) The Namibia advisory opinion (iv) The Barcelona Traction case and (v) review of the functioning of the ICJ.
- ❑ “An outstanding feature of Mani’s study is its presentation of arbitration practice, emphasizing proceedings before mixed claims commissions and tribunals. The author's historical discussion brings early arbitration practice to the modern lawyer's attention”.
- ❑ “Mani views the communicative process as the main function of international adjudication. He explicitly excludes such topics as default, special chambers, settlement/discontinuance, the post-judgment issues, and the internal practices of the courts”.
- ❑ “*International Adjudication presents abundant material, particularly concerning the practice of early mixed claims commissions and tribunals. For that, it is commendable. It may prove significantly helpful for the developing practice of adjudication of claims between states and nationals of other states*”.

*“ There is No Resting Day  
for an Academician ”*

- PROF. ( DR.) V.S. MANI

