



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்

The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF INTERNATIONAL LAW
AND ORGANISATION**

DEPARTMENT OF INTERNATIONAL LAW AND ORGANISATION

The Tamil Nadu Dr. Ambedkar Law University has established the Department of International Law and Organisation in 2005 with the vision of disseminating value-based education with the ideals set by the Constitution of India and to promote the Universal International Law along with its evolutionary developments. In the context of dissemination of International Law, the role of Indian international legal scholarship is rich and resourceful. In Tamil Nadu, the establishment of the Department of Legal Studies in the University of Madras marked a signpost event in the sphere of training the legal minds in India towards specialising International Law. International Law in its substance is more a way of life rather than a discipline of knowledge in law. The creation design of earth and celestial bodies along with the human family and nature with their day to day interactions are the subject matter of the discipline. The significance of the universal life, society, law and welfare approach is recognised by all academic societies throughout the world.

The Department of International Law and Organisation in its LLM Course Programme of two Years envisions imparting critical international legal insights to the students on the foundational as well as contemporary areas. The syllabus has been accordingly restructured with effect from the academic year 2020-21. The Department has a unique significance as it is one of the rarest academic centres in the Nation to offer along with traditional subjects the course papers of modern and human welfare-based relevance such as International Diplomatic Law, International Criminal Law, Transboundary Water Courses Law and Governance, Admiralty Law and Practice and International Space Law and Policy. In the academic sense, the beginners at the research level are introduced to the element of universality in general and trained towards phase by phase evolution of the subject. The academic course curricula represents inter alia the following thematic perceptions: Nature of Universal International Law, Principle based historical significance, the mono conception of Statist led international law and its complexities, Impact of Euro-centric international law through international legal philosophy, ideology of colonialism and its ill consequences on mankind, Birth of International Institutions as a reaction to World Wars I & II and introduction to the notion of international public order and life with the aim of maintenance of international peace and security, Evolution and networking of International Institutions, especially the Law of United Nations from moral to political, political to legal, legal to universal, Movement of Codification to Progressive Development of International Law, Extension of International Law through Lex Specialis regimes and their complexities, Contemporary Normative International Legal Science, Humanisation Movement and Revivalist Approaches in International Law through International Legal and Multi-Disciplinary Scholarship.

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

BRANCH – IV

DEPARTMENT OF INTERNATIONAL LAW AND ORGANISATION

LL.M. SYLLABUS

SPECIALIZED CORE PAPERS – 06

1. Public International Law – Contemporary Challenges
2. Admiralty Law and Practice
3. International Space Law – Policies and Challenges
4. International Law of Organisations
5. International Economic Law
6. Peaceful Settlement of International Disputes

DISCIPLINE SPECIFIC ELECTIVE PAPERS – 03

7. International Diplomatic Law
8. International Humanitarian and Refugee Law
9. Private International Law

GENERIC ELECTIVE PAPERS – 02

10. Transboundary Watercourses Law
11. International Criminal Law

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none">1. Judicial Process (Common Paper – I)2. Legal Education and Research Methodology (Common Paper – II)3. Public International Law – Contemporary Challenges (Specialized Core Paper – I)4. Admiralty Law and Practice (Specialized Core Paper – II)5. Transboundary Watercourses Law (Generic Elective Paper – I)
Second Semester	<ol style="list-style-type: none">6. Constitutional Law: The New Challenges (Common Paper – III)7. Law and Social Transformation in India (Common Paper – IV)8. International Space Law – Policies and Challenges (Specialized Core Paper – III)9. International Diplomatic Law (Discipline Specific Elective Paper – I)10. Applied Research Methodology
Third Semester	<ol style="list-style-type: none">11. International Law of Organisations (Specialized Core Paper – IV)12. International Economic Law (Specialized Core Paper – V)13. International Humanitarian and Refugee Law (Discipline Specific Elective Paper – II)14. International Criminal Law (Generic Elective Paper – II)
Fourth Semester	<ol style="list-style-type: none">15. Peaceful Settlement of International Disputes (Specialized Core Paper – VI)16. Private International Law (Discipline Specific Elective Paper – III)17. Skill Enhancement Course18. Dissertation

PAPER – I

PUBLIC INTERNATIONAL LAW – CONTEMPORARY CHALLENGES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

Public International law is a law that regulates the relation between States and ensures world peace and order. The transformation of International law from traditional to modern and modern to Globalized scenario assumes greater significance due to the proliferation of international actors, norms and Organisations. The syllabus starts with an outline of the definitional perspectives to understand the priorities and perplexities of International law and focus on fundamental areas of international relations between states in an era of transformative internationalism to liberal transnationalism. The central orientation of syllabus depicts multifaceted perspectives of Public international law so as to make the understanding both academic and functional.

After undergoing the study, the student will be able to understand the following:

- *To get introduced with the conceptual framework and functional or practical utility – oriented aspects of International law of Nations.*
- *To trace the significance and influence of the normative principles involved in building the edifice and substance of international law.*
- *To envisage on the contemporary challenges of international law and acquire academic contemplation and training primarily in Public international law blended with human rights and Humanitarian law so that it brings the realization that the future world legal order heavily depends on reach and acceptability of International law.*

COURSE OUTLINE

MODULE – I: Introduction to International Law

- a) Universalization of International Law – Defining and understanding from philosophical, political, ideological, cultural and cross – cultural approaches – Reconceptualizing Nation State and Doctrine of Sovereignty
- b) Learning Nature, Basis and Scope through historical developments and Jurisprudential theories – Multifaceted Global Perspectives – Codification and Progressive Development
- c) United Nations and its organs in promotion and development of peace and order.

MODULE – II: Sources of International Law

- a) Custom as a dynamic source – Unveiling Normative Jurisprudence – Jus Cogens
- b) Treaty as primary source – Relevance and Importance in contemporary international law – VCLT – Basis, Classification, Scope or normative influence and Limitations – Canons of Treaty Interpretation – Complexities of interpretation in Human rights treaties – Termination and Suspension of Treaties – Reservation – Issues of Balancing Universality and Integrity
- c) General Principles of International law (Equity in a global context) as Cardinal source and fundamental principle – Juristic Works – Decisions and Determinations of Judicial and arbitral tribunals and International Institutions and organizations as subsidiary source – Soft law.

MODULE – III: Relationship Between International Law and Municipal Law Subjects of International Law and Recognition

- a) Reconciling International and Municipal (domestic) law – Theoretical Perspectives – State practices UK, USA and India
- b) Proliferation of subjects of International law – State as focal theme of International law – Essentials of Statehood – Lifting the State veil – Individual as Subject – Influence of Human Rights law (Theory of Naturalism)
- c) International Criminal Responsibility – International organizations and Non – State actors as subjects of International law.

MODULE – IV: Recognition, State Territory, Self Determination and Law of Sea

- a) State – Recognition as a basis for international personality – Principles and Problems – Legal nature – Duty to recognize, Principle of Effectiveness and Statehood – Theories of Recognition – Recognition of Governments – Belligerency and insurgency – Legal effects of Recognition and Non-Recognition
- b) State Territory – Acquisition and loss related issues – Air and Space Law – Theories and Conventions on Aerial Navigation – Exploration of Outer Space and Regulations through Outer Space Treaty
- c) Law of Sea – Introduction – Maritime Delimitations – International Sea Bed Authority – International Tribunal for Law of Sea.

MODULE – V: State Jurisdiction & State Responsibility

- a) State Jurisdiction – Prescriptive and Enforcement Jurisdiction – Theoretical bases for Jurisdiction – Jurisdictional immunities
- b) State Responsibility as Obligations Erga Omnes – Notion of Imputability or Attribution to State – Breach of an International legal obligation – Draft articles of ILC – Liability for Lawful Acts – Circumstances excluding Wrongful Conduct of State – Legal Consequences of an Internationally Wrongful Act
- c) Invocation of State Responsibility as part of Human Rights Standards – State Responsibility for Genocide, Environmental sustenance, Contracts and investments.

MODULE – VI: State Succession

- a) State Succession – Importance of Succession in contemporary era of Secession and self – determination – Types – Universal and Partial Succession – Negative Theory and Benefit theorys
- b) Principle of Continuity of States – Rights and Duties of States – Discontinuity (Clean Slate theory or tabula rasa)
- c) Historical precedents and Case Studies – Reunification of Germany, Socialist Federal Republic of Yugoslavia, Russia as Case study

MODULE – VII: Law of Extradition, Asylum, Nationality, Refugees and Statelessness

- a) Law of Extradition – Meaning and Basis – Historical perspectives and Phases of Evolution – New Dimensions of Extradition law from Human Rights Perspective
- b) Asylum as a reflection of humanitarian considerations and individual freedom – Kinds of Asylum – Territorial and Extra territorial
- c) Nationality & Dual Nationality – Preview from Doctrine Effective – Nationality Refugees – Principle of Non Refoulement – Statelessness as Enigma of international community

MODULE – VIII: Comprehensive Study of Global Conceptual Framework for Contemporary Human Rights & Humanitarian Discourse

- a) Introduction to Human Rights law (IHRL) and Humanitarian Law – Context and Historical background from European, Global perspectives & Hindu traditions of Human rights (Concept of Dharma)
- b) Glimpses of Universal Human Rights & values (Natural law and Natural rights) – International Accountability – Normative foundations laid under the United Nations – UDHR & International Bill of Human Rights and other instruments – Transition to modern Human rights

- c) Emerging issues & challenges UN System, Human Rights Monitoring institutions and their effectiveness – Contemporary Challenges in an era of Human and Humanitarian Discourse.

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RECOMMENDED READING:

BOOKS

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2. Crawford, J. *Brownlie's Principles of Public International Law* (8th ed., 2013).
3. Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law [Vol. I – Peace]* (9th ed., 2008).
4. Shearer, I.A. *Starke's International Law* (1st Indian ed., 2007).
5. Weeramantry, C.G. 'Universalizing International law' Martinus Nijhoff Publishers, (2004)

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2. Baker, R. B. 'Customary International Law in the 21st Century: Old Challenges and New Debates' 21 *European Journal of International Law* 173, 2010.
3. Berman, N. 'Sovereignty in Abeyance: Self – Determination in International Law', 7 *Wisconsin International Law Journal* 51(1988 – 89).
4. Briggs, "Travaux Préparatoires of the Vienna Convention on the Law of Treaties" 65 *American Journal of International Law* 705(1971).
5. Babalola, A. "Extradition under International Law: Tool for Apprehension of Fugitives", 22 *Journal of Law Policy & Globalization* 25 (2014).

FURTHER READING:

BOOKS

1. E. Bates, —History in: D. Moeckli, S. Shah & S. Sivakumaran (eds.), *International Human Rights Law*, 2nd Ed. Oxford University Press, Oxford, 2010, pp. 15 – 33.
2. Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
3. Cassese, A. *Five Masters of International Law* (Hart, 2011).
4. Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).
5. Crawford, J. *The Creation of States in International Law* (Oxford University Press, 2006).

6. Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
7. Knop, K. *Diversity and Self – Determination in International Law* (Cambridge University Press, 2002).
8. Lauterpacht, H. (ed.), *Recognition in International law* (Cambridge University Press, 1st ed., 2013)
9. Ryngaert, C. “Jurisdiction in International Law”, (Oxford University Press, 2nd Ed., 2015).
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1. Anel Ferrira – Snyman, ‘Sovereignty and Changing nature of International law: Towards a world law’ 40 *Comp & Int’l LJ S Afr* 395 (2007)
2. Kirby.M, ‘The Growing Rapprochement Between International Law and National Law’ in Antony Anghie and Garry Stugress (eds), *Legal Visions of the 21st Century: Essays in Honour of Judge Christopher Weeramantry*’ 333 (Brill 1998).
3. J Romesh Weeramantry, ‘Eritrea's Damages Claims (Eritrea v. Ethiopia); Ethiopia’s Damages Claims (Ethiopia v. Eritrea) 96 *Asian Journal of International Law Proceedings* 480 (2010).
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8. Dorman, T. “Researching Law of the Sea”, 10 *International Journal of Legal Information* 147 (1982).
9. Jagota, S. P. “Developments in the Law of the Sea between 1970 and 1998: A Historical Perspective”, 2 *Journal of History of International Law* 91 (2000).
10. Keyuan, Z. “South China Sea Studies in China: Achievements, Constraints and Prospects”, 11 *Singapore Yearbook of International Law* 85 (2007).

CASES FOR GUIDANCE

1. Asylum case Judgment (Columbia vs Peru)
2. Regina vs Keyn (1876) 2 Ex D 63
3. Filartiga vs Pena – Irala 630 F.2d 876.
4. The Arantzazu Mendi Case (UK)1939
5. Legality of the threat or use of Nuclear Weapons, Advisory Opinion, I.C.J Reports' 1996.
6. North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
7. Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
8. Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
9. The Nottebohm Judgment (Second Phase), 54 AJIL 536,557(1960)
10. The Wimbledon, P.C.I.J. Rep., Ser A, No. (1924)
11. Costa Rica vs Nicaragua, ICJ Reports 2009.
12. Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
13. North Sea Continental Shelf (Denmark v Germany), (Netherlands v Germany) [1969] ICJ Rep 3, [85].
14. Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J. 174 (Apr. 11)
15. Gabcikovo Nagymaros Project Case (Hungary vs Slovakia)1997 ICJ Rep 7.
16. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, p. 16
17. Advisory Opinion of ICJ in Western Sahara Case, ICJ Rep. 1975, p. 12
18. Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
19. Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019
20. The Enrica Lexie (It vs India) Case No.24, Order of Aug.24 2015

LEARNING OUTCOME

- *Comprehensive knowledge over the origin, nature, increasing scope of the subject and appreciate the changing vagaries of Public International law.*
- *Evaluate and synchronize the significance of International Law in a contemporary revolutionary era of Human rights and its connectivity to the Global legal order.*
- *Able to explore the central role played by the subject in an all – inclusive and multifaceted perspective.*

PAPER – II

ADMIRALTY LAW AND PRACTICE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

It is intended to educate young law graduates in National and International Admiralty Law which allows them to critically evaluate the laws and legal systems pertaining to water bodies and ports of India from a juristic perspective. It also creates a perfect opportunity to get expertise in areas rising out of international disputes under Admiralty law. The subject is highly relevant and need of this hour in India, where India is rapidly integrating its economy with more than 90% of the country's trade being conducted through oceans and also the sea provides passageway to 45,000 merchant ships worldwide and over 90 percent of global trade.

After undergoing the study, the student will be able to understand the following:

- *Understand the principal functions of the law of the sea.*
- *Determine the spatial extent of the coastal state jurisdiction over the oceans.*
- *To understand the admiralty law practice*
- *Responsibility of the human towards conservation and preservation of the marine living resources and the marine environment.*

COURSE OUTLINE

MODULE – I: Evolution, Nature, scope and sources

- a) History of admiralty law in England, other parts of the world – Nature of Admiralty Law – admiralty law as a part of law merchant – admiralty law in relation to common law and civil law.
- b) Sources of Admiralty law.
- c) India – History of admiralty jurisdiction – The Admiralty Courts in India – The Admiralty Legislation in India.

MODULE – II: Admiralty Jurisdiction and the mode of exercise

- a) Changing concept of Admiralty frontiers – International waters; Territorial Waters; Contiguous Zone; EEZ; Continental shelf; International straits; archipelagos; international fisheries; High seas; Conservation and exploitation of marine sources; Sea as a common heritage of mankind – Role of IMO – Piracy and hot pursuits.
- b) Admiralty and Admiralty jurisdiction (scope and extent) – Enforcement of Admiralty claims by actions in rem and impersonal – juridical personality of the ship – Arrest of sea

going ships – immunity of Government ships – Admiralty liens and priorities – Mareva Injunction

- c) Jurisdiction in matters of collision – Flag State – Extra territorial jurisdiction.

MODULE – III: Management of ships

- a) Merchant shipping – The ship as property – ownership – registration
- b) Concept of ‘Genuine Link – Open Registries (flag of convenience) – ship construction rules.
- c) acquisition of ships – transfer of ships – negotiation and contract – terms of contract – inspection by buyer – ship mortgages – ship’s sale and purchase

MODULE – IV: Safety of Ships

- a) ISM Code and issues of safety – The IMO Rules and Regulations
- b) Safety & security regulations at sea and in port, accidents, collisions, salvage, towage – The laws of harbours and pilotage – Jurisdiction in ports; Access to ports.
- c) Indian law – Ship owner’s liabilities for damage to ports – Limitation of ship owner’s liability.

MODULE – V: General Admiralty Provisions

- a) UNCLOS relevant articles – Constitution of India – Art. 53 – Legislation for giving effect to international agreements
- b) The law on Regulation of Fishing by Foreign Vessels
- c) Suppression of Unlawful Acts Against Safety of Admiralty Navigation and Fixed Platforms on Continental Shelf

MODULE – VI: Admiralty Provisions on Criminal Activities

- a) Criminal conspiracy Sec. 120 A, waging or attempt to wage war against India Secs. 121, 122 & 123 – Sec. 280 Rash Navigation of vessel, Sec 281 Exhibition of false light, mark or buoy, Sec. 282 Conveying person by water for hire in unsafe or overloaded vessel,
- b) Sec. 283 Danger or obstruction in line of navigation – Sec. 299 Culpable homicide, Sec 300 Murder, 304 A Causing death by negligence, Sec. 320 Grievous Hurt, Sections 339 & 340 Wrongful restraint & confinement – Sec. 378 Theft, Sec. 390 Robbery, Sec. 441 Criminal trespass.
- c) Code of Criminal Procedure, 1973 – Arrest of persons, Sections 41, 46, 47, 50, 51 & 52 – Preventive action of police Sections 149 to 152 – Sec. – 188 offences committed outside India/high seas or elsewhere.

MODULE – VII: Law related to Merchant Shipping

- a) The Merchant Shipping Act, 1958 – Sec. 69 Proceedings on forfeiture of ship, Sec 334 Unseaworthy ship not to be sent to sea, Sec 336 Power to detain unsafe ship and procedure for detention, Sec 337 Liability of Central Govt. for costs and damage when ship wrongly detained
- b) Part X – B Civil Liability for Oil Pollution Damage. Sec 352 G, H, I, J, K, N, O, P & Q – Part XI A Prevention and Containment of Pollution of the sea by Oil. Secs 356 A to N – Part XIII Wreck and Salvage Sections 390, 391, 392, 396 to 400 and 402 –
- c) Part XVA Fishing Boats Secs 435 A to W – Part XVI Sections 436 to 440, 443 and 444.

MODULE – VIII: Protection on Marine Environment

- a) Pollution in the marine environment – Principles for marine environmental policy making and legislation – International Organization
- b) The Preventive Conventions – Liability Conventions
- c) Protection of Marine Diversity – Climate Change and the Marine Environment – International Convention on the Prevention of Marine Pollution by Dumping of Waste Convention, 1972

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5. Merchant Shipping Act, 1958
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7. Multimodal Transport of Goods Act. 1993The Arbitration and Conciliation Act, 1996
8. The Indian Ports Act 1908 (15 of 1908)
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10. The Inland Vessels Act, 1917 (1 of 1917)
11. The Coasting Vessels Act, 1838
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13. Notification relating to MS (Second Amendment) Act, 2014

INTERNATIONAL CONVENTIONS

1. SOLACE Convention, 1974
2. UNCLOS 1982
3. MARPOL
4. SUA Convention, 1988
5. Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
6. Shipping Manuals, Conventions & Rules of I.M.O.

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4. Diego de Alencar Salazar Primo, Cecilia Perdigao Barreto & Tarin Frota Mont Alverne, 'International Law and Ocean Noise Pollution: Legal Effects of the Recognition of Sound as a Source of Ocean Pollution', 15 Veredas do direito 277 (2018).
5. Robert Fisher, 'The Purpose of Admiralty Law', 18 Austl. & N.Z. Mar. L.J. 14 (2004).

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2. Clare Ambrose, Karen Maxwell, Michael Collett, 'London Maritime Arbitration', Routledge, (2017).
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CASES FOR GUIDANCE

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3. *Archawski v. Hanioti*, 350 U.S. 532 (1956)
4. *Insurance Co. v. Dunham*, 78 U.S. (11 Wall.) 1, 31 (1871)
5. *Wilburn Boat Co. v. Fireman's Fund Ins. Co.*, 348 U.S. 310 (1955)
6. *Jeffcott v. Aetna Ins. Co.*, 129 F.2d 582 (2d Cir. 1942)
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8. *Boston Metals Co. v. The Winding Gulf*, 349 U.S. 122 (1955)
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10. *Southwestern Sugar & Molasses Co. v. River Terminals Corp.*, 360 U.S. 411 (1959)
11. *Atlee v. Packet Co.*, 88 U.S. (21 Wall.) 389 (1875)
12. *Delaware Mut. Safety Ins. Co. v. Gossler*, 96 U.S. 645 (1877)
13. *The Bunga Melati 5* (2012) 4 SLR 546.
14. *The Engedi* (2010) 3 SLR 409.
15. *The Sea Eagle* (2012) 2 Lloyd's Rep 51.
16. *The Environmental Agency v. Gibbs* (2016) 2 Lloyd's Rep 69.
17. *Birnam Ltd. v. Owners of the Hong Ming* (2011) 5 HKC 512.
18. *Harms Bergung Transport v. Harms offshore AHT Uranus* (2015) 2 Lloyd's Rep 175.
19. *Alexandrea, The* (2002) 2 SLR 56.
20. *The Chem orchid* (2010) 2 SLR 1020.

LEARNING OUTCOME

- *Appraise the International and Indian Admiralty laws.*
- *Articulate and analyze the roles of national governments and international organizations in the regulation of admiralty laws.*
- *Gain insights on practice in admiralty law in India.*
- *Know how the admiralty system works in India with reference to ship management, safety and merchant shipping.*
- *Appraise the protection of marine environment.*

PAPER – III

INTERNATIONAL SPACE LAW – POLICIES AND CHALLENGES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

As humans increase their presence in outer space, the law that govern human activities in that environment is becoming increasingly relevant and important to both States and the commercial sector. In this context, this paper focused to provide a clear understanding of the international space regime that has emerged from within the United Nations. With the vast growth of Space Law, the need for a functional knowledge of the international legal framework for outer space is vital to interpret the Outer Space Treaties and its progeny and apply their provisions to present and future factual scenarios. This development raises the need for some international regulatory and policy changes with a view to maintaining orderly and peaceful space exploration and exploitation. This course aims to conceptualize the challenges in space law and attempts to predict how space law might develop to address contemporary and future challenges,

After undergoing the study, the student will be able to understand the following

- *Have a comprehensive understanding of international framework of space law*
- *Analyse the developments of space law at national level by interpreting the laws passed by some of the space travelling nations*
- *The role of International Instruments in law making and policies related to outer space*
- *Examines the current and potential future uses of outer space; the law-making process relating to space activities*

COURSE OUTLINE

MODULE – I: Development of International Space Law

- a) Who owns outer space? – Early Treaties Governing Activities in Outer Space – United Nations Instruments – Outer Space Treaty (Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies), 1967 – Moon treaty, 1979
- b) Agreement on the Rescue of Astronauts, 1968 – Convention on International Liability for Damage Caused by Space Objects (Liability Convention), 1972 – Registration Convention
- c) International intergovernmental organizations and bodies related to space activities – United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) – United Nations Office for Outer Space Affairs (OOSA)

MODULE – II: National Space Policy and Administration

- a) Need for National Space Legislation – Launching state and Registering State – Registration and identification – Question of state sovereignty – Jurisdiction – Claim of Property Rights
- b) India’s Space Industry – Indian Space Research Organisation (“ISRO”), 1962 – INSAT Satellites – Indian National Space Promotion and Authorisation Centre (IN – SPACe), 2020
- c) Regulatory framework governing the space industry in India – Satellite Communication Policy, 1997 – The revised Remote Sensing Data Policy, 2011 – The Technology Transfer Policy of ISRO – The Constitution of India, 1950

MODULE – III: National Security & Military Space Activities

- a) The Military Use of Outer Space – The Space Force
- b) Use of Nuclear Power Sources in Space – for Space Missions – UNGA Resolution 47/68 of 1992 – Prevention of Arms Race in Outer Space – United Nations Conference on Disarmament
- c) The Missile Technology Control Regime (MTCR), 1987 – The Hague International Code of Conduct against Ballistic Missile Proliferation, 2002

MODULE – IV: Commercialization beyond Earth Orbit

- a) The concepts of commercialization and privatization – Innovation leads to commercialization – Contribution of Space law to Economic and Social Development
- b) UNIDROIT Convention and Draft Space Protocol – Creation and registration of International interests in space assets – Default and Remedies
- c) Space Tourism – Government Agencies and their Role in Space – National Aeronautics and Space Act of 1958 – NASA – FAA – The United Kingdom Satellite Applications Catapult – Case Study – Space Mining – Luxemburg Law on the Exploration and Use of Space Resources of 2017 – Conformity with International Law Principles

MODULE – V: International Systems of Space Communications

- a) Satellite and Communication Law – UNIDROIT Space Protocol – International Telecommunication Organisation – Consultative Committee for Space Data Systems (CCSDS), 1982
- b) International satellite organizations – International Committee on Global Navigation Satellite Systems (ICG), 2005
- c) Remote Sensing – Issues of International Law in Space Meteorology

MODULE – VI: Development and Challenges in International Space Law

- a) Unaddressed Issues in Traditional Conventions – Boundary Between Airspace and Outer Space – Development of Space Tourism, – New Space – Space debris – Space Traffic Management (STM) – Space Data Association (SDA)
- b) Climate change – Protecting Celestial Bodies – Protection of Earth Environment
- c) Intellectual Property Rights in Space – Space Patents – Private Property Rights – Contradictions with the Outer Space Treaty – Sec2 – Regulation of Commercial Space Tourism – Risks, Liabilities and Security Issues – Insurance Requirements and Waivers – Ownership of Space Objects – United Nations General Assembly (UNGA) Resolution – The Next Fifty Years of Outer Space Treaty

MODULE – VII: Settlement of Disputes and Enforcement of International Space Law

- a) International Responsibility for Space Activities – Liability and responsibility regime under the Outer Space Treaty
- b) Absolute liability and fault liability – COSMOS 954 – A case study – State liability/responsibility for space activities by Non – Governmental Entities
- c) Article X of the Liability Convention – Article VII of Outer Space Treaty – ICJ – Arbitration and Mediation – Permanent Court of Arbitration (PCA) – Optional Rules for Arbitration of Disputes Relating to Outer Space Activities, 2011

MODULE – VIII: The Intersection of Human Rights and Space

- a) Freedom of Exploration and Use of Space – Peaceful Purposes – International State Responsibility
- b) Status of Humans in Space – Ethical code for Human Activity in Space – Morality, Rights and Responsibilities in Outer Space – Access to Space for All
- c) Sustainable Space Development – UN COPUOS – Guidelines for Long Term Sustainability

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7. Environmental Defence Fund v. Massey, 986 F.2d 528 (D.C. Cir. 1993)
8. Florida Coalition for Peace and Justice v. George Herbert Walker Bush, Civil Action No. 89 – 2682 – Og (D.D.C. 1990)
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13. Martin Marietta v. INTELSAT, 991 F. 2d 94 (4th Cir. 1992)
14. Pigott v. Boeing, 240 So. 2d 63 (Miss. 1970)
15. The Korean Air ‘Nut Rage’ Incident
16. Thibodeau v. Air Canada [2014] SCC 67
17. Transpace Carriers v. United States, 22 Cl. Ct. 80 (1990)
18. United States v. Causby, 328 U.S. 256, 66 S. Ct. 1062 (1946)
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LEARNING OUTCOME

- *Appraise the International Space Law principles laid out in treaties and International Common Law.*
- *Articulate and analyze the roles of national governments and international organizations in the regulation of space activities and space applications.*
- *Gain insights on Space Sustainability in the growing Space Congestion scenario.*
- *Develop a deeper understanding of how the increasing commercialization and privatization of several categories of space activities controlled through national regulation.*
- *Critique the core Domestic Space Law issues that deal with telecommunications, trade, and private commercial activities.*

PAPER – IV

INTERNATIONAL LAW OF ORGANISATIONS

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The successful transformation of the United Nations Organization (UN) from political to legal to global institution on the basis of Principle of Universal Membership has indeed elevated the international law of organisation as an integral part of modern international law. Moreover, the regime of Article 103 under the Charter of the UN reaffirms the supremacy of the Charter obligations in the contemporary international affairs. International Institutions are working on varied specialised fields of international law; such as Humanitarian, International Settlement of Disputes, Labour, Human Rights, Trade, Environment, International Crimes, Maritime, and Intellectual Property Rights influence international life, international policy making, maintenance of peace and security and resolution of international disputes. In sum, the welfare of the human family. Thus, the current universal international legal system is effectively represented by the international, inter – governmental and regional organisations. This course aims to facilitate the students to study and understand the impact of the International Organisations in the establishment of universal legal order and system.

After undergoing the study, the Student will be able to understand the following:

- *The foundational perspectives on the international element of crimes vis a vis criminological pattern.*
- *The evolutionary jurisprudence on the substantive and procedural aspects of international crimes.*
- *The impact of ad hoc and permanent international criminal justice delivery systems.*
- *The need to develop preventive studies on international crimes especially, to combat the ever – increasing patterns of State criminality and promote welfare approaches for the human family.*

COURSE OUTLINE

MODULE – I: Introduction to International Law of Organisation

- a) Evolution of International Organisations – Geo – Political Circumstances – Establishing Agreements – Constitutions – Conventions – Statutes.
- b) Rationality in the introduction of International Organisations – Historical Evolutionary Character – Westphalian Model – Congress of Vienna – Berlin Conference – Hague Conference.

- c) Notion of Victors Justice – League of Nations and United Nations – Concept of Succession of International Organisations.

MODULE – II: Legal Personality and Capacity, Objectives and Purposes

- a) Status under International and National Laws – Notions of Supra – Nation, Sovereignty and Sovereign Equality of States, Universal Institutions.
- b) Doctrine of Implied Powers – Relation between Host – Member and Non – Member States – Treaty Making Power – Functional Capacity – Contractual Capacity.
- c) Impact of International Social Life on Functionality of International Institutions – Establishing International Legal Order and System – Universal Peace and Security – International Co – operation and Promotion of Human Rights.

MODULE – III: Privileges and Immunities of International Organisations

- a) Nature and Extent of Privileges and Immunities – Establishing Instruments, Agreements and Treaties – Head Quarters Agreements.
- b) Functional Test – Immunities of the Organisation – Secretariat – Secretary General and Personnel.
- c) Organs – Property – Officers in Member States – Contemporary issues.

MODULE – IV: United Nations System

- a) Establishing Conferences and Committees – Principal Organs (General Assembly, Security Council, Economic and Social Council, Trusteeship Council, Economic and Social Council – Secretariat and International Court of Justice).
- b) Admission – Membership – Rights and Duties of Members – Observer Status.
- c) Subsidiary Organs and Bodies – Specialised Agencies – Related Organisations.

MODULE – V: Roles and Functions of United Nations

- a) Maintenance of International Peace and Security – Peaceful Settlement of International Disputes on the basis of Principles of Justice and International Law.
- b) Impact of Regional Organisations on Collective Security – Peace Keeping – Peace Making – Realisation of Universal Human Rights – Protection of Environment.
- c) Codification and Progressive Development of International Law – Prevention of International Crimes – United Nations as International Centre.

MODULE – VI: International Legislation (ILC) and International Justice (ICJ)

- a) Article 13 of the Charter of the United Nations – Statute of the International Law Commission (ILC) 1947 – Source of Law Making – Difference between Codification and Progressive Development.
- b) Works of ILC – UN Charter and Statute of the International Court of Justice (ICJ), Rules of the Court.
- c) Sources – International Judicial Function – Role of the ICJ in the Development of International Law and Promotion of Human Rights.

MODULE – VII: Reforms and Future of the United Nations Legal System

- a) Role of UN General Assembly in Maintenance of International Peace and Security assuming Powers from the UN Security Council – Uniting for Peace Resolution.
- b) Expansion of the Security Council – Conflict of Organs – Concept of Humanitarian Intervention and Responsibility to Protect – Respect for Rule of Law under the Charter of the UN.
- c) Conflict between Principle of Independency of States and Supremacy of Charter Obligations – Enforcement – Alliance of Civilizations.

MODULE – VIII: International Networking of Institutions

- a) Concept of Collective Will and Global Interest – Human Rights and Humanitarian Diplomacy – Convergence of International Institutions – Interface between United Nations and International Institutions.
- b) Mutual Co – ordination between State and International Institutions – Impact of International Law on the lex specialis movement represented by International Institutions.
- c) Problems of Fragmentation – Expanding horizons of the mandate of international institutions.

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4. Charter of United Nations and Statute of the International Court of Justice, 1945.

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6. Convention on the Privileges and Immunities of the Specialised Agencies, 1947.
7. Statute of the International Law Commission, 1947.
8. Draft Declaration on Rights and Duties of States, 1949.
9. UN General Assembly Resolution 377 A (V), 1950 on Uniting for Peace.
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20. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, The Gambia v. Myanmar, Provisional Order rendered by the International Court of Justice, 23 January 2020.

LEARNING OUTCOME

- *The Origin and Developments of New International Law of Organization.*
- *The Interface between State and International Institutions in the current International Legal System.*
- *The Impact of International Institutions in securing Welfare of the Human Family.*
- *The Expanding Networking of International Institutions and related Challenges and Complexities.*

PAPER – V

INTERNATIONAL ECONOMIC LAW

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

This course is aimed at those wanting to understand the role of law in the global economy. It covers, from the early development of international law as the regime of choice for international traders and explorers, to the current questions of international economic law and the global financial crisis. It will examine development, foreign direct investment and economic rights and examines the legal rules which underpin this trade. It examines the main features of the private law of international trade that enables to develop a more sophisticated understanding of the public law issues relating to world trade law. This subject also aims to assist the policy makers through inter – disciplinary and in – depth research in making informed decisions on various aspects of trade negotiations and dispute settlement matters.

After undergoing the study, the student will be able to understand the following:

- *Have a comprehensive understanding of international framework of economic law*
- *Analyse the development of economic law at national level by interpreting the laws passed by the nations which involves in international trade.*
- *The role of International Instruments in law making and policies related to economic arena.*
- *Examines the current and potential future and also the law-making process in the arena of global economy.*

COURSE OUTLINE

MODULE – I: Overview of International Economic Law

- a) Interface between International Law and the Global Economy from the different perspectives: Historical, Contemporary, the Institutional, the Individual, the Developed World and the Global Poor.
- b) Significance of International Monetary Relations
- c) Concept, Scope and Sources of International Economic Law – Economic Development and Economic Rights – NIEO and Common Heritage of Mankind

MODULE – II: The founding of the Bretton Woods institutions, the GATT and WTO

- a) GATT, WTO and Trading System – The significance of GATS – Development, food security and land as a natural resource –

- b) Principles and Policies of GATT: MFN – Reciprocity – National Treatment – Unfair practices – Dumping and Anti – dumping – Subsidies: Prohibited, Actionable and Non – Actionable Subsidies
- c) WTO: Multilateral Trading System – Trade Negotiations – Reviewing National Trade Policies – Relationship with other International Organisations – Trade Disputes – WTO Dispute Settlement Mechanism – Countervailing and safeguard measures – Facilitating developing economies for international trade.

MODULE – III: Decolonisation, natural resource concessions and international investment arbitration

- a) Decolonisation and its impact on International Trade – Political and Economic independence of the colonial nations – EXIM policies after independence.
- b) International Environmental Protection – Permanent Sovereignty over Natural Resources – Agreement on Sanitary and Phytosanitary (SPS) Measures – Sustainable Development and Environment Exemptions
- c) International Investment Law Treatment and Protection – Bilateral Investment Treaties – The World Bank Guidelines – Attempts for a Multilateral Investment Agreement – Role of ICSID

MODULE – IV: IMF and IBRD: Conditionality and Sovereign debt

- a) Relationship between IMF, World Bank, Regional Development Banks and Private Creditors – Bilateral aid from donor government.
- b) Structural adjustment of a borrowing countries: Stabilisation – Liberalisation – Deregulation and Privatisation
- c) Conditionality on Human Rights: Health Rights, Labour Rights and Civil and Political Rights.

MODULE – V: The Global Finance and the regulation of International Banking and Finance

- a) Economic Globalisation: Institutions, International Agreements and Treaties, Economic Actors – Oil, the dollar and global crises
- b) Interaction of tax treaties with domestic tax law rules – Double taxation relief issues; non – discrimination, mutual administrative assistance, competent authority procedure.
- c) Transfer pricing rules in international taxation: history and policy of international transfer pricing rules, OECD transfer pricing methodologies and advance pricing agreements (APAs) and recent international developments.

MODULE – VI: International Cartels and Intellectual Property Rights

- a) State Monopoly capitalism – International Cartels in Maritime Shipping, Machinery and Equipment, Fertilizers, Chemical Products, Petroleum and Ferrous and Non – ferrous metals.
- b) WTO – TRIPS Agreement – Basic Principles – Transitional Agreements – Anti – competitive practices in licensing
- c) WIPO – Institutional Arrangements – Co – operation with other Inter – Governmental Organisations.

MODULE – VII: The dark side of the International Trade

- a) Protectionism and Free trade – Inequality and Injustice to Developing and Least Developed Countries – Economic polarization.
- b) International Trade Agreements – Illicit Trade – War, Arms trade and the Private Security Business – Organised Economic Crimes and Money Laundering.
- c) Illicit commerce through trafficking: Humans, Narcotics, Endangered Wildlife and other prohibited goods and commodities.

MODULE – VIII: Global governance and the development of the new corporate global lex mercatoria

- a) Global and Regional Governance – Role of Inter – Governmental Organisations (IGO) and Non – Governmental Organisations (NGO) and Stakeholders – Neoliberalism – Liberalising public goods and services – Laissez faire capitalism.
- b) Balancing Trade with Environment, Property Rights and Public Health – Understanding extra – legal and corporate social responsibility pressures – Multi – National Corporations and Human Rights
- c) Lex Mercatoria: Positivist and Autonomist view – Unification of International Trade Law through Customs, National Laws, Expansive Freedom of Contract and Arbitral Decision Making.

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16. India Vs European Communities WT/DS141/19 | 29 April 2003
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18. Chinese Taipei Vs India G/ADP/D111/1 G/L/1121 WT/DS498/1 | 29 September 2015
19. Indonesia Vs E.U WT/DS480/8/Add.3 | 9 November 2018
20. Guatemala Vs Peru WT/DS457/18 | 12 April 2016

LEARNING OUTCOME

- *To analyse the various functional and theoretical bases for organizing economic relations at the international level.*
- *To identify the nations' trade intercourse and their diplomatic relations with each other.*
- *To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies.*
- *To appreciate the relationship between WTO law and bilateral and regional trade agreements.*
- *To assess international economic law from multiple perspectives; in particular of individuals and organisations; in the public, private and third sectors; in relatively rich and relatively poor economic contexts; in terms of calm and crises; and on local, national, regional and global levels.*

PAPER – VI

PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE:

The complex character of human egos as per the laws of nature leads to frictions among the human family and as a result the institution of Justice becomes integral in every society. The contemporary State led international legal system due to conflicts of power and denial of mutual acceptance has resulted in the increase of international disputes on matters pertaining to differences arising inter alia out of legal interest over boundary, sharing of natural resources, immunity to sovereign heads, conservation of environment, protection of human rights, diplomatic relations, international legal obligations on nuclear disarmament and State responsibility for the commission of international crimes, Accordingly, to settle the frictions various international settlement mechanisms and judicial bodies are established. Vitrally, the interests and welfare of human family constitutes the heart of all these disputes. Therefore, the relevance of implementing the Principle of Peaceful Settlement of International Disputes warrants high level of respect and compliance. This course will facilitate the Students to learn the international law on dispute settlement management as a tool for achieving international justice.

After undergoing the study, the Student will be able to understand the following:

- *The significance of the Principle of Universal Peace and its relevance for the welfare of the human family.*
- *The classification and essential characteristics of Diplomatic and Non – Diplomatic modes of settlement of international disputes.*
- *The institutionalization of International Dispute Settlement Mechanisms.*
- *The impact of the Principle of Peaceful Settlement of International Disputes in securing International Justice.*

COURSE OUTLINE

MODULE – I: Introduction to Notion of Peace and War

- a) Origin, Nature Scope of Universal Peace – Impact of Theological Science on Universalization of the Principle of Humanity and Equality in Justice Delivery System – Essentials of Peace.
- b) Institution of War and its Challenges in Modern International Law, Peaceful Settlement as an Alternate for War – Inter – linkages between International Dispute Settlement and

International Peace and Security and The International Hague Conferences of 1899 and 1907.

- c) Role of International Organizations' on the evolutionary character of Peaceful Settlement of International Disputes.

MODULE – II: Diplomatic and Non – Diplomatic Means of Settlement

- a) Negotiation – Definitional Elements – Steps and Process – Mediation – Consultation – Good Office – Conciliation – Commissions of Enquiry – Impact of Scientific Findings.
- b) Arbitration – Adjudication – Jurisdiction – Disputation Process – Dispute Settlement Clauses – Multi – Door Facility
- c) International Fact – Finding Missions – Compliance – Modes of Enforcement – Remedial Mechanisms

MODULE – III: United Nations Law on Progressive Development of Peaceful Settlement of International Disputes

- a) Charter of the United Nations, 1945 – Preamble Article 1, 2 and 33 – Pacific Settlement of International Disputes – Significance of Declaration on Principles of International Law concerning Friendly Relations and Co – operation among States in accordance with the Charter of the United Nations, 1970.
- b) International Law Commission on Peaceful Settlement of International Disputes – Manila Declaration on the Peaceful Settlement of International Disputes, 1982 – Role of General Assembly and Security Council – Peace and Security and Regional Arrangements.
- c) UN Commission on International Trade Law, Conciliation Rules, 1980, Model Law on International Commercial Arbitration, 1985 – UN Model Rules for the Conciliation of Disputes Between States, 1995.

MODULE – IV: International Judicial Function

- a) Historical origin of the Permanent Court of Arbitration – International Court of Justice – Status of Principal Judicial Organ of the United Nations – Definition of International Legal Dispute under the Covenant of League and Charter of the United Nations.
- b) Jurisdiction – Contentious – Compulsory – Forum Prorogatum – Provisional Order – Interpretation – Counter – Claims – Revision – Advisory Opinion.
- c) Notion of International Judicial Conscience – Consensualist Approaches – Role of International Lawyering in the International Court of Justice – Achieving International Justice.

MODULE – V: Proliferation of Judicial and Quasi – Judicial Bodies

- a) Need for Proliferation of International Judicial Bodies – International Tribunal for the Law of the Sea.
- b) International Criminal Tribunal for the Former Yugoslavia – International Criminal Tribunal for Rwanda – International Criminal Court.
- c) Special Court for Sierra Leone – Special Tribunal for Lebanon – Extraordinary Chambers in the Courts of Cambodia – WTO Dispute Settlement Body – International Centre for Settlement of Investment Disputes – International Crimes Tribunal of Bangladesh.

MODULE – VI: Impact of Regional Human Rights Court on Individuals Access to Justice

- a) Principle of Equality of Parties – Individuals Right to Access Justice as a Universal Human Right.
- b) Contribution of Inter – American Court of Human Rights – European Court of Human Rights – African Court on Human and People’s Rights.
- c) International Court of Justice – Wall and Kosovo Advisory Opinions – Contributions of International Legal Scholarship on Humanization.

MODULE – VII: Contemporary Challenges in International Disputation Process

- a) Conflict between Principle of State Sovereignty and Human Rights – Interpretation of Dispute Settlement Clauses in International Treaty Based Legal Regimes.
- b) Problems of Fragmentation – Unity of International Law and Judicial Institutions – Need for Establishment of International Human Rights and Humanitarian Court, International Labour Court, International Environmental Court – International Space Court
- c) Complexities of International Water Dispute Management – Remedial Justice for Victims of International Crimes and Prevention of State Criminality.

MODULE – VIII: International Judicial Impact Assessment: Lessons from Judicial Behaviour

- a) Kotaro Tanaka – Bindingness of Principles of International Human Rights – Antonio Augusto Cancado Trindade.
- b) Concept of International Judicial Conscience – Christopher Gregory Weeramantry – Competency of International Courts and Significance of International Social Facts in the Disputation Process.
- c) International Justice for the Victims of International Crimes – Navaneetham Pillay – Antonio Cassese and Shawkat Al – Khasawneh on International Criminal Justice.

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LEARNING OUTCOME

- *The significance of the Principle of Universal Peace and its relevance for the welfare of the human family.*
- *The classification and essential characteristics of Diplomatic and Non – Diplomatic modes of settlement of international disputes.*
- *The institutionalization of International Dispute Settlement Mechanisms.*
- *The impact of the Principle of Peaceful Settlement of International Disputes in securing International Justice.*

PAPER – VII

INTERNATIONAL DIPLOMATIC LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

Diplomacy as a field of knowledge and institution in spirit effectuates friendly relations and universal peace amongst all humans and nations. The immunities and privileges conferred upon the messengers across time and space signifies the practice of international law itself as a way of life by all societies. However, the evolution of State led international legal system has promoted diplomatic relations as a matter of reciprocity reflecting national or regional interest through treaty based legal regimes. Further the success of International Organizations, especially the United Nations necessitates the need to understand the emissaries serving global interests, the changing dimensions of the functionalities of diplomacy in the current international legal system calls for academic as well as practical determinations of the subject. Thus, the purpose of the course work is to impart fundamental as well as critical perspectives on the evolving nature of diplomacy and equip the students to develop approaches towards International Crisis Resolution.

After undergoing the study, the Student will be able to understand the following:

- *The Origin and Development of the Role of Messengers and Institution of Diplomacy towards the establishment of Universal Peace.*
- *The Legal Aspects of the Modern Diplomatic and Consular Law.*
- *The Evolutionary Character of Diplomatic Intercourse practiced by International Organization.*
- *The Art of understanding Contemporary International Crisis and develop Legal insights towards Resolution Management.*

COURSE OUTLINE

MODULE – I: Ancient Diplomacy and Evolutionary Perspectives

- a) Origin, Nature Scope of Diplomacy and Diplomats – Religion as the original source of Diplomacy – Christianity and Holy See, Hinduism, Islam – Treaty of Hudaibiyah, Buddhism, Judaism.
- b) Universal Diplomacy – Qualities of Diplomats as Human as Messengers of Peace and Conflict Resolution – Concept of *Jus legationis* – Diplomacy both Open and Closed in Asia, Africa, America and Europe – Colonial Diplomacy.

- c) Cold War – Neo – Colonial Diplomacy – Non – Aligned Movement – Interface between International Relations and Diplomatic Law.

MODULE – II: Forms of Diplomacy

- a) War and Peace – Diplomacy – Kautilyan Diplomacy – Mandala Theory – Gun Boat Diplomacy – Polar Diplomacy – Sports Diplomacy – Ping Pong Diplomacy – Public Diplomacy.
- b) Preventive Diplomacy – Shuttle Diplomacy – Multi – Track Diplomacy – International Democratic Governance – Humanitarian Diplomacy – Economic Diplomacy.
- c) Environmental Diplomacy – Maritime Diplomacy – Space Diplomacy – Emerging trends in Global Governance.

MODULE – III: International Diplomatic Legal Treaty Framework

- a) Status of Diplomats in modern international law – ILC Codification of Vienna Convention on Diplomatic Relations (VCDR) – Vienna Convention on Consular Relations (VCCR).
- b) Theories on Inviolability, Immunities and Privileges of Diplomats – Representative – Functional Necessity and Exterritorial.
- c) Principles of Modern Diplomatic Law – Sources of Legal Protection of Diplomats – Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

MODULE – IV: Diplomacy of International Organizations

- a) Historical evolution of Diplomacy in the League of Nations and United Nations and Organization – Covenant of the League – Charter of the United Nations – Convention on the Privileges and Immunities of the United Nations – Convention on the Privileges and Immunities of the Specialized Agencies – Nature and Extent of Privileges and Immunities – Establishing Instruments, Agreements and Treaties – Head Quarters Agreements.
- b) Functional Test – Immunities of the Organization – Secretariat – Secretary General and Personnel – Organs—Convention on Special Missions – Contemporary Issues.
- c) Purposes and Principles of the Charter of the United Nations – Diplomatic Means of Settlement of International Disputes – Impact of the Office of the United Nations Secretary General – Good Office – International Mediation – General Assembly and Parliamentary Diplomacy – Agenda for Peace – – Alliance of Civilizations – Institutions of Peace Making and Peace Keeping – Criminalizing Peace Keepers – – Good Will Ambassadors – Universal Peace.

MODULE – V: Role of the International Court of Justice in the Progressive Development of Diplomatic Law

- a) Legal Personality of the United Nations – Succession of International Organization – League of Nations and United Nations – Notion of VCDR as Self Contained Regime – State Responsibility for International Legal Obligations arising out of International Diplomatic Law.
- b) Legal Status of the Immunities and Privileges of Diplomats serving the United Nations – Powers and Functions of the United Nations Secretary General.
- c) Right to Contact the Consular Post as a Human Right under the VCCR – Disputes arising out of the Application and Interpretation of the VCDR and VCCR – Optional Protocols concerning the Compulsory Settlement of Disputes.

MODULE – VI: International Crisis Management and Contemporary Challenges

- a) Interface between Diplomatic Intercourse of State and International Organizations – International Networking of Institutions – Normative Status of Principles of Modern Diplomatic Law – Law on Diplomatic Asylum.
- b) Impact of Bilateralism in Diplomatic Relations – Cross Border Dispute Resolution – Abuse of Diplomatic Privileges, Immunities and Inviolability – International Crimes – Terrorism – Hijacking – Illicit Traffic in Narcotic Drugs – Illicit Traffic in Armaments – Espionage.
- c) Form and Substance of International Conflicts – Humanitarian Crisis – Significance of the Nature of International Social Facts – International Actors and Stake Holders – Multi – disciplinary Perspectives – Lessons from Sri Lankan Ethnic Conflict – Ethnic Cleansing in Bosnia – Prolonged Occupation of Israel in Palestine – India – China, India – Pakistan Crisis Situations – United States of America in Vietnam, Somalia, Iraq, Pakistan and Syria, Russia in Afghanistan, Chechnya and other Occupied Parts and Inter – State Conflict in Africa.

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11. Case Concerning the Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion of the International Court of Justice, 8 July 1996.
12. Case Concerning the Vienna Convention on Consular Relations (Paraguay v. United States of America), Provisional Order rendered by the International Court of Justice, 9 April 1998.
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LEARNING OUTCOME

- *The Origin and Development of the Role of Messengers and Institution of Diplomacy towards the establishment of Universal Peace.*
- *The Legal Aspects of the Modern Diplomatic and Consular Law.*
- *The Evolutionary Character of Diplomatic Intercourse practiced by International Organization.*
- *The Art of understanding Contemporary International Crisis and develop Legal insights towards Resolution Management.*

PAPER – VIII

INTERNATIONAL HUMANITARIAN AND REFUGEE LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

International Humanitarian Law has developed to a greater extent in the past two centuries. The addition of non – international conflicts and protection of natural resources added new frontiers. However, IHL is also facing new threats from Artificial Intelligence to Space programmes. In this context, the students shall understand the content and relevance of IHL in this course. The 1951 Refugee Convention and its 1967 Protocol contain less than 60 articles. Attempts to provide a more ambitious and more comprehensive treaty – law framework has failed. India is not a party and the compliance by the accepted countries is also frustrating. In this background, refugee law assumes importance for the students.

After undergoing the study, the student will be able to understand the following

- *The nature and scope of IHL and refugee law in international and national sphere.*
- *complications involved in monitoring and enforcing IHL.*
- *Role of courts in the international and national systems to appreciate these laws.*
- *Indian approach to IHL and refugee law.*

COURSE OUTLINE

MODULE – I: Introduction to International Humanitarian Law

- a) History and Development of IHL – Asian and European approaches to Law of War – Practices of Indian Kingdoms
- b) Modern Humanitarian Law – Geneva Conventions – International and Non – International Armed Conflicts
- c) Legal Protection of ICRC – National red cross movements

MODULE – II: Rules of Conduct of Hostilities

- a) General Limitations on the Means and Methods of Warfare – Rule of Military Necessity and Rule of Proportionality
- b) Prohibited Methods and Means – Nuclear weapons – Cluster bombs
- c) New forms of weapons and warfare – Space Weapons – Chemical Substances – Bio – Warfare

MODULE – III: Protected Persons and Resources

- a) Wounded, The Sick, The Shipwrecked – Prisoners of War – Medical, Religious and Relief Personnel
- b) Protection of Civilians, Women and Children – Protection of Environment and Cultural Property.
- c) Legal effects of breach of IHL – Criminal Liability and Jurisdiction – War Crimes

MODULE – IV: Refugee Law – Basics

- a) The Origin and Development of International Refugee Principles
- b) Concepts of Refugee, Migrant, Immigrant
- c) UN Charter, UDHR and ICCPR on Refugees – Relationship between IHL, IHRL and Refugee Law

MODULE – V: Refugee Convention and Institutions

- a) 1951 UN Convention Relating to the Status of Refugees
- b) Additional Protocols – Office of the High Commissioner for Refugees
- c) Refugee crisis in Europe – Changing Political and Legal Framework

MODULE – VI: India and Refugee Law

- a) Indian Constitution and Protection and Refugees
- b) Status of Refugees in India – Legal Mechanism in relation to refugees – Changes in the Citizenship Laws
- c) UNHCR and India – Status of Tamil, Tibetan and Rohingya refugees in India

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LEARNING OUTCOME

- *The nature and scope of IHL and refugee law in international and national sphere.*
- *complications involved in monitoring and enforcing IHL.*
- *Role of courts in the international and national systems to appreciate these laws.*
- *Indian approach to IHL and refugee law.*

PAPER – IX

PRIVATE INTERNATIONAL LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE:

The study of Private International Law leads in time to an examination of the essential differences in the doctrines of various legal systems. Application of conflict rules requires penetration and analysis of the meaning of foreign laws involved. This course helps students to develop an international and comparative perspective and it is sure to benefit their future legal practice and further legal academic and research.

After undergoing the study, the student will be able to understand the following:

- *Have a comprehensive understanding of international framework of Private Law*
- *Analyse the developments of private law at international level by interpreting the laws passed by some of the nations.*
- *The role of international instruments in law making and policies related to private international law*
- *Examines the current and potential future uses and law-making process of private law at international level*

COURSE OUTLINE

MODULE – I: Overview of Private International Law

- a) Introduction – Nature and Scope – Relationship between International Commercial Law, Public International Law and Private International Law – Foreign Element – Operating areas – Extra Territorial Jurisdiction
- b) Theories of Private International Law – Codification of Private International Law – Hague Conventions – UNCITRAL – International Institute for the Unification of Private Law (UNIDROIT) – Choice of Law – Characterisation – Renvoi
- c) Application of Private International Law in the Law of Contracts, Torts, Banking and Finance, Real Property and Intellectual Property

MODULE – II: Conflict of Laws in International Judicial Assistance

- a) Proof of Foreign Law – Substance and Procedure – Parties and service of process – Evidence – remedy
- b) UNCITRAL Arbitration and Conciliation Rule – Convention on Recognition of Enforcement of Foreign Arbitral Award (New York Convention)

- c) Applicability of Arbitration and Conciliation Act – Arbitration Agreement – Composition and Jurisdiction of Arbitral Tribunal – To Conduct, Making an Award and Termination of Arbitral Proceedings – Recourse against Award – Recognition and Enforcement of Award.

MODULE – III: Conflict of Laws in Family and Children Issues

- a) Residence, Citizenship and Domicile of Individuals, Parents and Children – Legitimacy – Legal and illegal immigrants – Habitual Residence and Nationality – Test of Nationality – Application of Civil Law and Common Law
- b) Traditional Family – Marriage: Formality and its Validity – Matrimonial Home – Polygamous Marriages – Divorces, Separation and Annulments – Matrimonial Causes and Alimony – Custody of Children – Child care, Child abduction and Child adoption – Succession
- c) Issues in Legal Family – LGBT and Surrogacy – Remedial Measures.

MODULE – IV: Conflict of Laws in Virtual World

- a) Transnationality of Internet Litigations – Digital Due Process – New challenges of law – State Jurisdiction: Physical location of the Petitioner, Respondent, Property, Place of Service, Evidence, etc.
- b) Multi – territoriality of Data – Data Privacy and Digital Evidence – Unilateral assertions of Extra – Territorial Jurisdiction – Territorial Integrity
- c) Conflict of Jurisdiction – Domicile of Company and Digital Service Provider – Choice of Law – Conflicting rules related to Cyber Space and Intellectual Property Rights: Issues and remedies – Indian Perspective.

MODULE – V: Conflict of Laws and Regional Harmonisation

- a) Universalism and Regionalism of Private International Law for accelerating integration and economic growth – Trans – boundary Social and Commercial Exchange – Traditional Conflicts of Conventions – Law and Treaty making power – Uniform rules of law
- b) Regional instruments and International Conventions – Supranational regional instruments – Inter – regionalism – Regional Courts and International Conventions – Non – State Actors – Specialised agencies and Regional organization
- c) Maritime and Aeronautic Tort – Transport and Telecommunication Tort – Violation of Foreign Law and International Treaties in Drugs, Smuggling, etc. – Consequences in adjudication – analysis of internal and international facts and circumstances – Recognition and Enforcement of Regional Court judgments in civil, commercial and labour matters.

MODULE – VI: Evolution of Traditional and Contemporary Human Rights under Private International Law

- a) Access to Justice and Parallel Litigation – Judicial Discretion – Private International Law and Consumerism – Rome Convention and Brussels Convention – Regulation of International Surrogacy – Recognition of parenthood in cross – border surrogacy – Compensation and Exploitation in the light of Human Right principles – Global Labour Market – Migration of Labourers – Non-Discrimination – Vs – Party Autonomy in Religious identity and intermingled rationalities –
- b) Acquisition of Antiquities – UNESCO Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural property – UNDRIT Convention on Stolen or Illegally Exported Cultural Objects –
- c) New International Economic Order – Economic Integration on Environmental Standards – Corporate Social Responsibility at the Crossroads – Economic Citizenship and the choice of Law – Application of Law in Cultural Identities and Scientific Development.

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LEARNING OUTCOME

- *To analyse the elements of foreign laws and its application on the individuals in municipal sphere.*
- *To demonstrate the conceptual necessity, contextual inevitability, legal adaptability and to discover the substantive and procedural aspects of litigation of trans – national transactions.*
- *To discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgments.*
- *To analyse the compelling influence of different personal factors and comprehend the complex issues arising out of trans – national matrimonial relationships, horizons of contract, tort, and property beyond domestic frontiers.*
- *To demonstrate knowledge of a substantial range of major concepts, values, principles and rules of conflict of laws and explain the relationship between them in specified areas.*

PAPER – X

TRANSBOUNDARY WATERCOURSES LAW

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

This course is intended to provide broader knowledge and understanding to the students on the law relating to transboundary watercourses. The term ‘watercourses’ includes rivers and lakes. The idea of ‘transboundary’ is usually limited to international boundaries. However, in the water law context, the term ‘transboundary’ means all sorts of political boundaries including inter – state watercourses. Globally, River management and dispute settlement played a vital role in defining international relations and law. In the past 200 years, federal courts and tribunals enhanced the scope of this branch with a close interface between international and interstate dispute settlement of watercourses. Thus, this course provides a unique opportunity for the students to learn the nuances of interstate and international water law.

After undergoing the study, the student will be able to understand the following

- *To comprehend a basis understanding about water as a resource, and its impact on legal systems.*
- *To master the basis legal principles of transboundary water law.*
- *To study the national and international legal regimes relating to watercourses.*
- *To explore the connections amongst water, environment, land and human rights laws.*

COURSE OUTLINE

MODULE – I: Introduction to Transboundary Watercourses Law

- a) Importance of water – idea of watercourses and transboundary disputes – Transboundary Groundwater Regulation
- b) Legal Definitions of watercourses – Federal constitutions on water disputes (India, US, Australia, Germany)
- c) Contribution of ILC and ILA – Helsinki Rules – Important international case studies – Rio Grande – Nile – Danube – Mekong

MODULE – II: Evolution and Principles of Transboundary Watercourses Law

- a) Harmon Doctrine, Absolute Territorial Integrity, Equitable and Reasonable Utilisation, Obligation not to cause significant harm, Principles of Cooperation, Information Exchange, Consultation and Peaceful Settlement of Disputes – Hierarchy in Non – Navigational Uses

- b) United Nations Convention on the Law of the Non – Navigational Uses of International Watercourses (1997 Convention)
- c) Convention on the Protection and Use of Transboundary Water and International Lakes of the United Nations Economic Commission for Europe (1992 Convention).

MODULE – III: India and International Watercourses

- a) India’s approach to international water law
- b) Transboundary agreements and dispute settlement with Pakistan, Bangladesh, Nepal and China
- c) Emerging issues – Indus and Brahmaputra – interlinking of rivers

MODULE – IV: Inter – State River Management

- a) Constitutional Aspects – River Boards
- b) Management of Brahmaputra – Ganges – Narmada – Mahanadi – Godavari – Cauvery
- c) Krishna – Godavari – Cauvery – Ravi & Beas – Vansadhara

MODULE – V: Inter – State River Dispute Settlement

- a) Inter – State Water Dispute Law – Role of Parliament and Supreme Court
- b) Courts and tribunals on various inter – state water disputes
- c) Rights of Non – Riparian States (Mullai – Periyar, Ravi – Beas & Satluj)

MODULE – VI: Stakeholders and Issues in Water Governance

- a) Right to Water and Environment – Transboundary Environmental Impact Assessment – Climate Change – Freshwater Biodiversity – Protection of Inland Fishermen and Fish stock
- b) Navigation in Inter – state and International Watercourses
- c) Groundwater Law: ILC Draft articles on the Law of Transboundary Aquifers – Groundwater laws in India

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2. Benverissti Eaul, (July 1996) Collective Action in the utilization of shared freshwater the challenges of International Water Resources Law, AJIL, No.3, Vol.90.
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1. Diversion of Water from the Meuse Case (Netherlands v. Belgium)
2. Case Relating to the Territorial Jurisdiction of the International Commission of the Oder River
3. Case Concerning the Gabcikovo – Nagymaros Project (Hungary v. Slovakia)
4. Case Concerning Kasikili/Sedudu Island (Botswana v. Namibia)

5. Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)
6. Indus Waters Kishenganga Arbitration (Pakistan v. India)
7. Bayview Irrigation District, et. al. v. United Mexican States
8. Gut Dam Case (US v. Canada)
9. Lake Lanoux Arbitration Case (Spain v. France)
10. State of Orissa vs Government of India AIR 2009 SC (Supp) 261.
11. State of Tamil Nadu vs State of Kerala, 2014 (6) SCALE 380.
12. M.C. Mehta v. Kamal Nath (1997) 1 SCC 388.
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20. T.N. Cauvery Neerppasana Vilaiporulgal Vivasayigal Nala Urimai Padhugappu Sangam vs Union of India and others, AIR 1990 SC 1316.

LEARNING OUTCOME

- *To comprehend a basis understanding about water as a resource, and its impact on legal systems.*
- *To master the basis legal principles of transboundary water law.*
- *To study the national and international legal regimes relating to watercourses.*
- *To explore the connections amongst water, environment, land and human rights laws.*
- *To understand the national and international position of India in relation to watercourses.*

PAPER – XI

INTERNATIONAL CRIMINAL LAW

(Generic Elective Paper)

OBJECTIVES OF THE COURSE:

Since the inception of mankind, the egoistic patterns of human life unleashed violence resulted in the case of humans destructing fellow human beings itself. Exceptionally, the promotion of evil ideology to rule the world on the basis of artificial racist supremacy by the humans across time and space, to state, the Nazist led Germanisation, the European Colonial System and similar Statist led Nationalism and Regionalism based Ideologies have threatened the existence of human kind on earth itself. The criminal behaviour of such gross dehumanization and genocidal violence has resulted in the need for establishing a specific field of knowledge known as International Criminal Law (ICL). Thus, ICL is devoted to the study of the subjective element of international criminal behaviour aimed at the prevention of the commission of international crimes and thereby establish universal peace and justice amongst human societies. Hence, the course work will introduce to the students the foundational perspectives of international crimes, its evolutionary character, contemporary challenges and remedies towards rehumanisation.

After undergoing the study, the Student will be able to understand the following:

- *The foundational perspectives on the international element of crimes vis a vis criminological pattern.*
- *The evolutionary jurisprudence on the substantive and procedural aspects of international crimes.*
- *The impact of ad hoc and permanent international criminal justice delivery systems.*
- *The need to develop preventive studies on international crimes especially, to combat the ever – increasing patterns of State criminality and promote welfare approaches for the human family.*

COURSE OUTLINE

MODULE – I: Introduction to the Concept of International Crimes

- a) Understanding the Concept of International Crimes – Crimes shocking the Conscience of Mankind – Criminology of International Crimes – Colonial Regimes – Eugenics – Uniculture – Artificial Racist Supremacist Patterns.
- b) Berlin Conference – Scramble for Africa and De – Humanisation – Hate Speech – Direct and Public Incitement – Subjective Element of International Crimes.

- c) Classification of International Crimes – Impact of International Criminal Legal Scholarship on the Normative aspects of International Crimes.

MODULE – II: Origin and Evolution of International Criminal Law

- a) Historical background of World Wars I and II – Notion of Victors Justice – Attribution of Human Right Violations as Crimes Against Humanity – Establishment of International Military Tribunals at Nuremberg and for Far East Tokyo (IMT and IMTFE), Control Council Law No, 10.
- b) Capture and Trial of Adolf Eichmann – Klaus Barbie Trial – International Law Commission’s Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, 1950.
- c) Principle of Universal Jurisdiction – Piracy – *Hostis humani generis* – Principles of Extradition and its Impact on the Prevention and Punishment of International Crimes – State Jurisdiction and Immunities and Challenges of Impunity.

MODULE – III: International Criminal Legal Treaty Framework

- a) Hague Convention on Laws and Customs of War on Land, 1907 – Convention to Suppress the Slave Trade and Slavery, 1927 – Charter of United Nations and Crime of Aggression.
- b) Contribution of Professor Raphael Lemkin – Convention on the Prevention and Punishment of the Crime of Genocide, 1948 – Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949 – Concept of War Crimes in the Geneva Conventions, 1949 (I,II,III and IV) – Additional Protocols I and II, 1977 – International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973 – Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
- c) UN Convention for Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 – Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 1993 – Convention for the Suppression of the Financing of Terrorism, 2000 – International Law on International Crimes and International Criminal Law on International Crimes

MODULE – IV: Role of International Ad Hoc Criminal Tribunals in the Progressive Development of International Criminal Law

- a) Historical Background of Genocidal Violence in Yugoslavia and Africa – Establishment of the International Criminal Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda.

- b) International Criminal Jurisprudence on Elementary Aspects of Genocide – Crimes Against Humanity – Violations of Laws or Customs of War in Internal Armed Conflict – Grave Breaches of the 1949 Geneva Conventions and its Additional Protocol I.
- c) Impact of Special Courts – Special Court for Sierra Leone – Special Tribunal for Lebanon – Extraordinary Chambers in the Courts of Cambodia – International Criminal Tribunal of Bangladesh – National Truth Commissions and Amnesties.

MODULE – V: International Criminal Court (ICC)

- a) Establishment, Creation and Aims of ICC – Structure and Composition – Rome Statute – Jurisdiction – Applicable Law – Interface between Source of International Criminal Law and Source of ICC.
- b) Elements of Crimes – Modes of Liability – Doctrine of Command Responsibility – Principles of Primacy and Complementarity – Judges and Organization of their Works – Investigation and Prosecution – Office of the Prosecutor – Defences – International Co-operation – Deferral Mechanism of UN Security Council – Victims and Witnesses.
- c) Procedural Rules – Implementation of International Humanitarian Law – The Crime of Aggression – Criticism and Future of the ICC.

MODULE – VI: State Responsibility for International Crimes: Contemporary Challenges

- a) Role of International Law Commission in evolution of State Responsibility for International Crimes – Inter relationship between Individual and State Criminal Responsibility – Concept of State Criminality – Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide before the International Court of Justice – Bosnia and Herzegovina v. Serbia (1993 and 2007) – Croatia v. Serbia (1999 and 2015) – The Gambia v. Myanmar (2020) – Jurisprudence on the State Responsibility on Prevention of Genocide – Comparison between the Works of ICTY, ICTR and ICJ – Reparation for International Crimes and Challenges for International Criminal Justice Delivery System.
- b) Remedial Justice for Victims of International Crimes and Prevention of State Criminality – Establishment of International Treaty Regimes for Crimes Against Humanity – Ethnic Cleansing as a Form of Genocide – Prevention of Genocide in Internal and International Armed Conflicts – Prevention of Sexual Violence – United Nations Office on Genocide Prevention and Responsibility to Protect – Implementation of the Works of Independent Commissions on Fact Finding – Genocidal Violence during Occupation – Complexities and Victimization patterns of Prolonged Occupation – Convergence of International Law,

International Human Rights Law, International Humanitarian Law and International Refugee Law in International Criminal Law.

- c) Futurological Insights – Significance of Multi – Disciplinary Approaches – Relevance of Theology, Criminology, Philosophy, Historical Studies, International Relations, Anthropology, Ethnology, Sociology, Literature, Psychology, Medicine, Preventive Studies, Social Work – and Statistics.

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2. *The Prosecutor v. Dusko Tadic – Case No. IT – 94 – 1 – T*, Judgement of 7 May 1997 of the Trial Chamber of the International Criminal Tribunal for Former Yugoslavia.
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LEARNING OUTCOME

- *The foundational perspectives on the international element of crimes vis a vis criminological pattern.*
- *The evolutionary jurisprudence on the substantive and procedural aspects of international crimes.*
- *The impact of ad hoc and permanent international criminal justice delivery systems.*
- *The need to develop preventive studies on international crimes especially, to combat the ever – increasing patterns of State criminality and promote welfare approaches for the human family.*
