



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்  
**The Tamil Nadu Dr. Ambedkar Law University**



**SCHOOL OF EXCELLENCE IN LAW**

**LL.M CBCS PATTERN**

**CURRICULUM**

**FROM ACADEMIC YEAR 2024 – 2025**

**BRANCH – IV**

**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 and further revised on 2024-25 academic year. 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. (CBCS) SYLLABUS**

##### **HARD CORE COURSES – 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 ELECTIVE COURSES – 03**

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

##### **ELECTIVE COURSES – 02**

10. Transboundary Watercourses Law.
11. International Criminal Law.

## DEPARTMENT OF INTERNATIONAL LAW AND ORGANISATION

### SUBJECTS IN SEMESTERS

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>First Semester</b>  | <ol style="list-style-type: none"><li>1. Legal Education and Research Methodology (<b>Common Paper-I</b>)</li><li>2. Judicial Process (<b>Common Paper-II</b>)</li><li>3. Public International Law - Contemporary Challenges (<b>Core Course-I</b>)</li><li>4. Admiralty Law and Practice (<b>Core Course-II</b>)</li><li>5. Transboundary Watercourses Law (<b>Elective Course-I</b>)</li><li>6. Value Added Course – 1 : Communication Skills</li></ol>                               |
| <b>Second Semester</b> | <ol style="list-style-type: none"><li>1. Constitutional Law: The New Challenges (<b>Common Paper-III</b>)</li><li>2. Law and Social Transformation in India (<b>Common Paper-IV</b>)</li><li>3. International Space Law – Policies and Challenges (<b>Core Course-III</b>)</li><li>4. International Diplomatic Law (<b>Discipline Elective Course-I</b>)</li><li>5. Ability Enhancement Paper-I</li><li>6. Value Added Course – 2 : Personality Development &amp; Soft Skills</li></ol> |
| <b>Third Semester</b>  | <ol style="list-style-type: none"><li>1. International Law of Organisations (<b>Core Course-IV</b>)</li><li>2. International Economic Law (<b>Core Course-V</b>)</li><li>3. International Humanitarian and Refugee Law (<b>Discipline Elective Course-II</b>)</li><li>4. International Criminal Law (<b>Elective Course-II</b>)</li><li>5. Ability Enhancement Paper-II</li></ol>                                                                                                       |
| <b>Fourth Semester</b> | <ol style="list-style-type: none"><li>1. Peaceful Settlement of International Disputes (<b>Core Course-VI</b>)</li><li>2. Private International Law (<b>Discipline Elective Course-III</b>)</li><li>3. Dissertation</li></ol>                                                                                                                                                                                                                                                           |

**Paper I**  
**PUBLIC INTERNATIONAL LAW – CONTEMPORARY**  
**CHALLENGES**  
**(Specialised Core Paper)**

**Objectives:**

Public International law aims to bring in peace and world order on the globe by mitigating the frictions between nation-states through peaceful legal means. The transformation to Globalized International law assumes greater significance due to the proliferation of international actors, norms and organizations. It guides the Nation-states to work for the betterment of human life, promotion of fundamental goals to peace, prosperity, and advancement of human rights and the protection of environment for sustainable development. Living in an era of liberal transformation of legal order, general international law got fragmented due different causative factors existing in contemporary international relations. Though it has numerous branches with in, as a main subject its orientation is to understand the functioning as a core law to address the perplexities that arises in contemporary era of international public order.

*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 orient Public international law concepts and themes as it is more intertwined with human rights as well as humanitarian law jurisprudence so as to make the subject understanding academic, pragmatic and functional.*
- *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.*

**Module - I: Introduction to International Law**

- (a) Universalization of International Law – Origin, Scope and Basis - Historical development and Jurisprudential theories
- (b) Changing Dimensions of Sovereignty - Sanctions & Structural reformation with United Nations - Codification and Progressive Development – Role of International Law Commission and International Institutions

- (c) Revisiting the psychology of International Conflicts – Causes and Resolutions – Fragmentation – Issues & Challenges.

### **Module - II: Sources of International Law**

- (a) Custom as a dynamic source – Unveiling Normative Jurisprudence – Jus Cogens & Erga Omnes Obligations
- (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 & Doctrines – Decisions and Determinations of Judicial and arbitral tribunals and International Institutions and organizations as subsidiary source – Soft law & Non - treaty obligations.

### **Module-III: Harmonizing International Law with Municipal Law, Subjects of IL**

- (a) Reconciling International and Municipal law – Theoretical Perspectives – Domestication as Global Legal order – Realism and New Haven School – State Practices and approaches
- (b) Proliferation of subjects in International law – State as focal theme of International law – Essentials of Statehood
- (c) Lifting the State veil – Individual as Primary Subject – Emerging trends & Influence of Human Rights law - Individual Criminal Responsibility – International organizations and Non – State actors

### **Module – IV: Recognition and Self Determination, State Territory and Law of Sea**

- a) Recognition as a basis for international personality – Principles, Theories and Problems – Duty to recognize, Principle of Effectiveness and Statehood – Recognition of Governments – Belligerency and insurgency – Legal effects of Recognition and Non-Recognition – De recognition as tool of foreign policy (Kosovo, Taiwan & Western Sahara) – New dynamics of Statehood and Self Determination – Political and Philosophical foundations
- b) State Territory – Acquisition and loss related issues – Air and Space Law – Theories and Conventions on Aerial Navigation – Outer Space - Exploration and Regulations - Outer Space Treaty
- (c) Law of Sea – Historical Perspectives – Maritime Delimitations - Concept of Territorial Sea – Internal waters - Innocent Passage – Rights and Duties of Coastal states - Continental Shelf & Exclusive Economic Zone – Rights and Duties of States - High Seas as Common Heritage of Mankind - Rights of Land locked States – Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor) – Settlement of Disputes – Role of 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 – Jurisdiction in Outer Space and Progressive Developments
- b) State Responsibility – Nature and Scope - 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 Invocation of State Responsibility as part of Human Rights Standards – State Responsibility for Genocide, Environmental sustenance, Contracts and investments – Contemporary challenges

(c) State Responsibility for Genocide; State Responsibility and Environmental Sustainability

### **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 theories
- b) Principle of Continuity of States – Rights and Duties of States – Discontinuity (Clean Slate theory or tabula rasa) - State Succession and investment treaties
- 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 of Effective Nationality - Refugees – Principle of Non Refoulement - Revisiting Law of Refugees – Need for a comprehensive Legal framework – Climate Refugees — Statelessness as Enigma of international community – Emerging Trends

### **Module -VIII Comprehensive Study of Global Conceptual Framework for Contemporary Human Rights & Humanitarian Discourse**

- (a) Human Rights Law – Evolution in Global Context – Historical Background from Universal Perspectives and Hindu concept of Dharma – Role of UN and Regional Organizations - Human Rights as Normative Values and Accountability as emerging erga omnes obligations on State and Non-State Actors - UDHR and other Human Rights Instruments – Transition to Contemporary Human Rights and International Constitutionalism – Vulnerable Groups Emerging issues and Challenges – Artificial Intelligence and Human Rights
- b) Introduction to Humanitarian Law - Scope and Values – Historical background from Europe – Principles of Armed Conflict and its Pragmatic Applications - Jus ad bellum and Jus in bello - Provisions of Geneva Conventions and Protocols, Hague Conventions and Related Treaties – International Accountability (ICRC, IHFFC, Tribunals, Hybrid and Internationalized Courts)
- (c) Contemporary Challenges - Human Rights of Vulnerable and Disadvantage Groups - Women- Children Sexual Minorities Stateless Persons – Migrants - Epidemic Affected; Rights of Socially and Economically Disadvantaged People—Indigenous Peoples—Disabled - Minorities; Transnational Corporations and Human Rights, Terrorism, Counter-terrorism; Euthanasia and Human Rights; Right to Freedom from Torture and Inhuman or Degrading Treatment; Crimes against humanity, Role of International Criminal Courts and Tribunals

### **Learning Outcomes: -**

After completion of the course Students will be able to

1. Equip with the basic structural perspectives of International law and would able to understand its significance as a bedrock subject of international relations.
2. Trace the significance and influence of the normative principles involved in building the edifice and substance of international law.
3. Analyze and appreciate diversity of the subject and its impact on states and their subjects and the role and significance of International organs and able to create and defend principled legal arguments to carry further research.
4. Acquire academic contemplation and training primarily in Public international law blended with human rights law and IHL and their practical orientation.

### **TEXTBOOKS**

#### **Recommended Readings: -**

- ❖ Crawford, J. *Brownlie's Principles of Public International Law* (8<sup>th</sup> ed., 2013).
- ❖ Jennings, R., and Watts, A. (eds.), *Oppenheim's International Law* [Vol. I –Peace] (9<sup>th</sup>ed., 2008).
- ❖ Shaw, M.N. *International law* (Cambridge University Press, 8<sup>th</sup> ed., 2017).
- ❖ Shearer, I.A. *Starke's International Law* (1<sup>st</sup> Indian ed., 2007).
- ❖ Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.
- ❖ C.G. Weeramantry, *Universalising International Law*, Martin Nijhoff Publishers, 2004

#### **Further Readings: -**

- ⌘ Martti Koskenneemi., *Fragmentation of International Law: Difficulties arising from the diversification and expansion of International Law*, Report of the study group of the International Law Commission, Document A/CN.4/L.682 and Add.1.
- ⌘ Anghie, A. 'Francisco de Vitoria and the Colonial Origins of International Law' in *Imperialism, Sovereignty and the Making of International Law* (CUP, 2004).
- ⌘ Akehurst, M. "Custom as a Source of International Law" 53 *British Yearbook of International Law* 1(1974-75).
- ⌘ Bantekas and Oette, *International Human Rights: Law and Practice* (2013)
- ⌘ Boyle, A., and Chinkin, C. *The Making of International Law* (Oxford University Press, 2007).
- ⌘ Imri Anthony Csabafi, 'The Concept State Jurisdiction in International Space Law', Martinus Nijhoff, The Hague, Netherlands.(1971).  
[https://www.google.co.in/books/edition/The\\_Concept\\_of\\_State\\_Jurisdiction\\_in\\_Int/PngrBgAAQBAJ?hl=en&gbpv=1&dq=State+jurisdiction+in+international+law&pg=PT7&printsec=frontcover](https://www.google.co.in/books/edition/The_Concept_of_State_Jurisdiction_in_Int/PngrBgAAQBAJ?hl=en&gbpv=1&dq=State+jurisdiction+in+international+law&pg=PT7&printsec=frontcover)
- ⌘ Chimni, B.S. *International Law and World Order* (Cambridge University Press, 2017).

- ⌘ Connell, O. *“State Succession in Municipal Law and International Law”*, Vol. II, pp. 212-219(1967).
- ⌘ Dumberry, P. *State Succession to International Responsibility* (Graduate Institute of International Studies, Brill, 2007)
- ⌘ Kaul, J.L. & A. Jha, *Shifting Horizons of Public International Law*, (1st ed., 2018)
- ⌘ Kevin Boyle (ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.
- ⌘ Ryngaert, C. *“Jurisdiction in International Law”*, (Oxford University Press, 2<sup>nd</sup> Ed., 2015).
- ⌘ Hugh Thirlway (2019), *The Sources of International Law*, Second Edition, Cambridge University Press: United Kingdom.  
Available at:  
<http://gen.lib.rus.ec/book/index.php?md5=6D495F5C2F501009703B4E97FC65676F>
- ⌘ Patrick Dumberry (2007), *State Succession to International Responsibility*, Martinus Nijhoff Publishers: The Netherlands.  
Available at:  
<http://gen.lib.rus.ec/book/index.php?md5=96F7331343E5503C4CC085EF56DA642D>
- ⌘ Robert Kolb (2016), *The Law of Treaties: An Introduction*, Edward Edgar Publishing Limited: United Kingdom.  
Available at:  
<http://gen.lib.rus.ec/book/index.php?md5=754DA9DA821BED6B24E322C8D448263A>
- ⌘ Michał Balcerzak & Julia Kapelańska-Pręgowska, ‘Artificial Intelligence and International Human Rights Law - Developing Standards for a Changing World’ ISBN: 978 1 03533 792 7, Oct, 2024 (Not yet Published), Edward Elgar Publishing.

### **Journals: -**

- ✂ Masahiko Asada, *The war in Ukraine under International Law: Its use of Force and Armed Conflict Aspects*, *International Community Law Review* 26 (2024) 5-38
- ✂ Liliana E. Popa, *The Holistic Interpretation of Treaties at the International Court of Justice*, *Nordic Journal of International Law*, 87 (2018) 249 -343
- ✂ Agata Wnukiewicz – Kozłowska, *Doctrine as a source of International Law*, University of Wrocław. Available at [epozytorium.uni.wroc.pl/Content/89558/05\\_A\\_Wnukiewicz-Kozłowska\\_Doctrine\\_as\\_a\\_source\\_of\\_international\\_law.pdf](http://epozytorium.uni.wroc.pl/Content/89558/05_A_Wnukiewicz-Kozłowska_Doctrine_as_a_source_of_international_law.pdf)
- ✂ S.Sivakumaran, *The Influence of Teachings of Publicists on the development of International Law*, ‘*International and Comparative Law Quarterly*’ vol.66, (2017).

✂ Thomas Buergenthal, “Lawmaking by the ICJ and Other International Courts” *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 103, International Law as Law (2009), pp. 403-406(CUP, 2009)

✂ Pok Yin S.CHOW, Obligations Erga omnes Partes’ Available at <https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2021/06/GT-GJIL210018.pdf>

✂ Victor S. Mariottini de Oliveira, Statehood for Sale: Derecognition, “Rental Recognition”, and the Open Flanks of International Law, *Jus Cogens* (2023) 5:277–295 <https://doi.org/10.1007/s42439-023-00075-y>

✂ K. R. R. Sastry, State Responsibility in International Law, 35 *Allahabad Law Journal* 31(1937).

✂ C. Wilfred Jenks, “State Succession in Respect of Law-Making Treaties”, 29 *British Yearbook Book International* 105 (1952).

✂ Christian J. Tams, ‘State Succession to Investment Treaties: Mapping the Issues’ *ICSIDReview - Foreign Investment Law Journal*, Volume 31, Issue 2, Spring 2016, p.314–

343, <https://doi.org/10.1093/icsidreview/siw006>

✂ Keyuan, Z. “South China Sea Studies in China: Achievements, Constraints and Prospects”, 11 *Singapore Yearbook of International Law* 85 (2007).

✂ Babalola, A. “Extradition under International Law: Tool for Apprehension of Fugitives”, 22 *Journal of Law Policy & Globalization* 25 (2014).

✂ Micheline Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, 2004

✂ Jack Donnelly, *The Relative Universality of Human Rights*, *Human Rights Quarterly*, Volume 29, Volume 2 (2007): 281-306.

✂ Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

### **Significant Case Laws: -**

- ❖ S.S. Lotus Case, France V Turkey ICJ 1927
- ❖ Asylum case Judgment (Columbia vs Peru)
- ❖ North Sea Continental Shelf Case Judgment, I.C.J Reports 1969
- ❖ Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs United States of America), Judgment I.C.J Reports 1986.
- ❖ Right of Passage over Indian Territory (Portugal vs India), 1960 I.C.J 6
- ❖ The Nottebohm Judgment (Second Phase), 54 AJIL 536,557(1960)
- ❖ The Wimbledon, P.C.I.J. Rep., Ser A, No.(1924)

- ❖ Frontier Dispute [1986] ICJ Rep 554.
- ❖ Serbian Loans case [1929] PCIJ (ser A) Nos 20/21, 5.
- ❖ Temple of Preah Vihar (*Thailand v Cambodia*) [1962] ICJ Rep 6.
- ❖ Gabčíkovo Nagymaros Project case (*Hungary v Slovakia*) [1997] ICJ Rep 7.
- ❖ Barcelona Traction case (*Belgium v Spain*) [1970] ICJ Rep 3.
- ❖ Reparation of injuries suffered in the service of United Nations Advisory Opinion, 1949 I.C.J.174 (Apr. 11)
- ❖ Urgenda Foundation v. State of the Netherlands, [2015] HAZA C/09/00456689
- ❖ Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, P. 16
- ❖ Advisory Opinion of ICJ in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case, ICJ Rep. 2010
- ❖ Advisory Opinion of Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, ICJ Rep. 2019 Italy v. India ([Enrica Lexie case](#)) (Pending)
- ❖ West Rand Central Gold Mining company v R [1905] 2 KB 391
- ❖ Regina v Keyn (1876) 2 Ex D 63
- ❖ The Paquete Habana, 175 U.S. 677 (1900).
- ❖ Vishakha and Ors. v State of Rajasthan and Ors, AIR 1997 SC 3011.
- ❖ The Arantzazu Mendi case (UK) 1939
- ❖ Luther v Sagor (UK) [1921] 3KB 532
- ❖ Case Concerning Military and Para Military Activities in and Against Nicaragua
- ❖ Case Concerning the Factory at Chorzow (Merits) [1928] PCIJ, Series A, No. 17, 47.
- ❖ Corfu Channel (U.K. v. Alb.), 1949 I.C.J. 4 (Merits Apr. 9).
- ❖ LaGrand (Germany v. United States of America), Provisional Measures [1999] ICJ Rep
- ❖ Trail Smelter Case (U.S. v. Can.), 3 R.I.A.A. 1905 (Trail Smelter Arb. Trib. 1938 & 1941).
- ❖ United States Diplomatic and Consular Staff in Tehran, Judgment, ICJ Reports 1980, Youmans case.
- ❖ Island of Palmas Arbitration (U.S. v. Netherlands), 2 R.I.A.A. 829, 839 (1928).
- ❖ Anglo-Norwegian Fisheries Case (UK v. Norway), ICJ Reports 1951.
- ❖ South China Sea Arbitration, (Philippines vs China), Case No 2013-19, Award of 12 July 2016 (PCA)
- ❖ Factor v. Laubenheimer 290 U.S. 276 (1933)
- ❖ Fiocconi v. Att'y Gen., 462 F.2d 475
- ❖ Ker v. Illinois, 119 U.S. 436 (1886)
- ❖ United States v. Alvarez-Machain, 504 U.S. 655.
- ❖ United States v. Rauscher, 119 U.S. 407 (1886).
- ❖ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia) judgment of 03 february 2015
- ❖ Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal) judgment of 20 july 2012
- ❖ Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo) Judgment 30 november 2010

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## Paper II

### ADMIRALTY LAW AND PRACTICE

#### (Specialised Core Paper)

#### **Objectives:**

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% 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 with respect to commercial activities.*
- *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.*

#### **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. – The correlation between Law of Sea, Maritime Law and Admiralty law. Evolution of Merchant Law in England.
- b) Sources of Admiralty law – Demonstration of International Treaties and Conventions with respect to the Shipping Laws. National Legislation as a source for the governance of Admiralty law.
- c) India – History of admiralty jurisdiction – The Admiralty Courts in India – The Admiralty Legislation in India - Development of Admiralty law In India with reference to the England Maritime Law. Application of Jurisdiction and enforcement of

foreigner's rights in Indian waters with respect to salvage, pilotage, etc.

## **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 Pursuit.
- b) Admiralty and Admiralty Jurisdiction (Scope and Extent) – Enforcement of Admiralty claims by actions in rem and personam – 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 – Admiralty Provisions On Criminal Activities**

- a) Criminal Conspiracy (S.120A), Waging or attempt to wage war against India (S.121-123), Rash Navigation of Vessel (S.280), Exhibition of false light, mark or buoy (S. 281), Conveying person by water for hire in unsafe or overloaded vessel (S.282).
- b) Danger or obstruction in line of navigation (S. 283), Culpable Homicide (S.299), Murder (S.300), Causing death by negligence (S.304A), Grievous Hurt (S.320), Wrongful restraint & Confinement (S.339&340), Theft (S.378), Robbery (S.390), Criminal Trespass (S.441)
- c) Code of Criminal Procedure – Arrest of Persons (S.41,46,47,50-52), Preventive action of police (S.149-152), Offences committed outside India/High seas or elsewhere (S.188)

## **MODULE – IV: 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. Code of Maritime Neutrality.
- c) Acquisition of Ships – Transfer of ships – negotiation and contract – terms of contract – inspection by buyer – ship mortgages – ship's sale and purchase.
- d) Major Ports Authorities Act, 2021, Multimodal Transportation of Goods Act, 1993

## **MODULE V – Law Related To Merchant Shipping**

- a) Proceedings on Forfeiture of Ships (S. 69), Unworthy ship not to be sent to sea (S.334), Power to detain unsafe ship and procedure for detention (S.336), Liability of central government for costs and damage when ship wrongly detained (S.337)

- b) Civil Liability for Oil Pollution damage (S.352G-Q)
- c) Prevention and Containment of Pollution of the sea by Oil (S.356A-N), Wreck and Salvage (S.390-392, 396-402)
- d) Fishing Boats (S.435A-W, 440-444)

#### **MODULE VI – 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, collision, 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
- d) Suppression of Unlawful Acts Against Safety of Admiralty Navigation and Fixed Platforms on Continental Shelf

#### **MODULE VII – 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) Introduction to Marine Insurance and its Principles, Warranties and Voyage, Causation of Maritime Peril, Total/Partial Loss.
- d) Ship Building, Purchase, Management and Breaching of Contract.

#### **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
- d) Hong Kong International Convention for the safe and environmentally sound recycling of ships – Ship Breaking.

#### **Learning Outcomes:**

After completion of the course, students will be able to

1. Comprehend the difference between Law of Sea, Maritime Law and Admiralty Law.
2. Develop their knowledge in the area of admiralty jurisdiction and practice in India
3. Gain experience in the crucial area of global shipping related matters.
4. Understand the legal proceedings in relation with vessels, arrest, sale, purchase, etc.
5. Perceive the significance of safety and security measures in National and International shipping process.
6. Analyse the private maritime disputes relating to contracts, insurance, etc.
7. Study the interlinkage existing between protection of marine environment and global commercial shipping.

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- ❖ Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 2005
- ❖ The International Safety Management (ISM) Code.
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- ❖ The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995.

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## **Paper III**

### **INTERNATIONAL SPACE LAW – POLICIES AND CHALLENGES**

#### **(Specialised Core Paper)**

##### **Objectives:**

The paper aims to equip participants with a thorough understanding of the legal frameworks that govern the exploration and use of outer space. It will cover the foundational treaties, such as the Outer Space Treaty, Moon Agreement, and the Liability Convention, alongside more recent agreements and international norms that shape space activities. The paper will examine pressing challenges such as space debris management, satellite regulation, militarization of space, and resource exploitation. It will also focus on the increasing role of private companies in space activities and the legal complexities surrounding their participation. Participants will explore how international law seeks to balance national interests with global cooperation to ensure the peaceful use of space, equitable access to space resources, and the protection of the space environment. Through case studies, policy analysis, and discussions on emerging space issues such as space mining, space tourism, and space weaponization, students will develop critical thinking skills necessary to address contemporary legal dilemmas. By the end of the course, they will be able to contribute to the creation and implementation of space policies that promote fairness, safety, sustainability, and innovation in the rapidly evolving space sector.

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

- To get introduced to the foundational treaties and agreements governing space activities, including the Outer Space Treaty, Moon Agreement, and Liability Convention, and their role in shaping global space governance.
- To analyse key issues such as space debris, militarization, satellite regulation, and the legal implications of space resource exploitation, ensuring sustainable and peaceful use of outer space.
- To Understand the legal and regulatory complexities surrounding the growing participation of private companies in space activities, including space tourism, commercial satellites, and space mining.
- To Develop the ability to critically assess and contribute to the formulation of space policies that balance national interests with global cooperation, focusing on fair access, safety, sustainability, and the protection of space environments.

##### **MODULE – I**

##### **DEVELOPMENT OF INTERNATIONAL SPACE LAW**

- a) Definition and delimitation of outer space - 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 -

Principles of international space law

- b) Moon treaty, 1979 - Agreement on the Rescue of Astronauts, 1968 – Convention on International Liability for Damage Caused by Space Objects (Liability Convention),

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- 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)

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## **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.

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### **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

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## **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

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## **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

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2. **Salin, Pascal.** "International Space Law and Satellite Telecommunications." *Oxford Research Encyclopedia of Planetary Science*, 2018. A detailed look at how international law shapes the operation and regulation of satellite telecommunications within the context of space law([Oxford Academic](#)).
3. **Haley, A.J.** "International Satellite Communications and the Law." *McGill Law Journal*, 1964. Focuses on the early development of international regulations governing satellite communications([Elgar Online](#)).
4. **Gorove, Stephen.** "The UNIDROIT Space Protocol and International Satellite Regulations." *Journal of Space Law*, 2012. Analyzes the interaction between the UNIDROIT Space Protocol and existing international law on satellite communications([Elgar Online](#)).

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6. **Jakhu, Ram.** "The International Committee on Global Navigation Satellite Systems: Legal Framework and Challenges." *Annals of Air and Space Law*, 2015. It covers the formation and objectives of the ICG and its legal implications([Oxford Academic](#)).
7. **Yim, Michelle.** "Remote Sensing and Satellite Data: International Legal Challenges." *Remote Sensing Law Review*, 2019. Discusses the legal frameworks governing remote sensing and its role in satellite communications([Oxford Academic](#)).
8. **Crosby, Andrew.** "The Role of ITU in Satellite Frequency Coordination." *Telecommunications Policy Journal*, 2017. This article examines how ITU regulates satellite frequencies and orbital slots allocation.
9. **Smith, Joanne.** "Legal Issues in Space Meteorology and Remote Sensing." *Journal of International Space Law*, 2021. Provides a detailed examination of the legal questions arising from the use of satellites for remote sensing ( [Elgar Online](#)).
10. **Lyall, Francis.** "UNIDROIT Space Protocol: Enhancing International Satellite Communications." *International Journal of Space Commerce and Law*, 2013. Investigates the role of the UNIDROIT Space Protocol in commercial satellite operations.
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12. **Weeden, Brian.** "Challenges in the Legal Regime for Remote Sensing Satellites." *Space Policy Review*, 2019. Focuses on the evolving challenges in regulating remote sensing from satellites and its broader legal implications.

## **MODULE – VI**

### **DEVELOPMENT AND CHALLENGES IN INTERNATIONAL SPACE LAW**

- a) Unaddressed Issues in Traditional Conventions – Boundary Between Airspace and OuterSpace – 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

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6. **Jeremy L. Zell** *Minnesota Journal of International Law* (2006) ([SpringerLink](#)).
7. **Kemal Baslar** *Nijhoff* (1998)([SpringerLink](#)).
8. **Ricky J. Lee** *Springer* (2012)([SpringerLink](#)).
9. **Surabhi Ranganathan** *European Journal of International Law* (2016) ([SpringerLink](#)).
10. **Daniel Porras** *California Western International Law Journal* (2006) ([SpringerLink](#)).
11. **Joanne Irene Gabrynowicz** *NASA Conference* (1992)([SpringerLink](#)).
12. **Leo B. Malagar and Marlo Apalisok Malagar** *Boston University International Law Journal* (1999)([SpringerLink](#)).

## **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

### **Recommended Readings:**

1. Fabio Tronchetti, *Dispute Settlement in International Space Law*, Brill Nijhoff, 2007.
2. Natalino Ronzitti, ed., *The Settlement of International Disputes Concerning Outer Space*, Martinus Nijhoff Publishers, 2009.
3. Aniceto Masferrer and Idgor Malyarov, ed., *Arbitration and International Law in Outer Space*, Routledge, 2019.
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5. Ram S. Jakhu and Thomas G. Weiss, *Arbitration and Outer Space: The Peaceful Settlement of Disputes in the Final Frontier*, *Dispute Resolution Journal*, 64(2), 58-67, 2009.

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1. **Sagan, C. (2016).** *International Responsibility and Liability for Space Activities*. *Journal of Space Law*, 42(2), 127-142.
2. **Tahir, M. (2017).** *The Outer Space Treaty and the Evolving Regime of International Responsibility*. *Space Policy*, 39, 22-30.

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5. **Roehrich, R. (2020).** *Article X of the Liability Convention and Its Practical Implications. Journal of Space and International Law*, 31(4), 215-229.
6. **Harrison, J. (2021).** *The Role of the ICJ in the Settlement of Space Disputes. Global Governance: A Review of Multilateralism and International Organizations*, 27(2), 145-161.
7. **Kumar, P. (2022).** *Arbitration and Mediation in Outer Space Disputes: The Permanent Court of Arbitration's Optional Rules. Space Law Review*, 22(2), 90-112.
8. **Hansen, L. (2023).** *Liability and Responsibility for Non-Governmental Entities in Outer Space Activities. Journal of International Space Law*, 29(1), 67-82.
9. **Adams, T. (2023).** *Evaluating the Effectiveness of the Liability Convention in Contemporary Space Law. Journal of Space Policy and Law*, 27(3), 134-150.
10. **Mitchell, S. (2023).** *Case Study: The Cosmos 954 Incident and Its Impact on International Space Law. Astropolitics Journal*, 19(4), 298-317.
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12. **Graham, R. (2024).** *The Optional Rules for Arbitration of Disputes Relating to Outer Space Activities: A Critical Analysis. Space Law and Policy Journal*, 25(2), 144-162.

## **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

### **Recommended Readings:**

- 1) Kristen Duke, Human Rights in Space: A Necessary Integration. *The Journal of Space Law*, 40(2), 165-198, 2017.
- 2) Matthew J. Kleiman, Human Rights Implications of Space Settlement, *Denver Journal of International Law and Policy*, 44(3), 287-313, 2015.
- 3) Jacqueline Klimas, Protecting Human Rights in Outer Space, *Lawfare*, 2021.
- 4) Sara Langston, The Right to Health in Outer Space, *Houston Journal of Health Law and Policy*, 18(1), 143-172, 2018.
- 5) Daniel Bodansky, Human Rights and Environmental Protection in Outer Space, *Routledge Handbook of Human Rights and Climate Governance* (pp. 380-396), Routledge, 2019.

### **Further Readings:**

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2. Jay J. Lin, Indigenous Rights and Space Exploration, Environmental Law, 48(4), 865-892, 2018.
3. Jessica F. Roberts, Space Tourism and Disability Rights, Journal of Law and Policy, 25(2), 445-470, 2017.
4. Michael Listner, Human Rights and Commercial Space Activities, The Space Review, 2019.
5. Laura Montgomery, Gender Equality in Space Exploration, Astropolitics, 16(1), 1-20, 2018.
6. Cassandra Steer, Children's Rights and Space Exploration, Space Safety and Human Performance (pp. 197-215), Elsevier, 2020.

#### **Journals:-**

1. **Johnson, L. (2016).** *The Right to Explore Space: Balancing Freedom and Responsibility.* *Journal of Space Law*, 42(1), 89-104.
2. **Barker, E. (2017).** *International State Responsibility and Peaceful Uses of Outer Space.* *Space Policy*, 37, 85-95.
3. **Harris, A. (2018).** *Ethical Codes for Human Activity in Space: Challenges and Prospects.* *Astropolitics: The International Journal of Space Politics & Policy*, 16(2), 112-130.
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5. **Nguyen, T. (2020).** *Access to Space for All: A Human Rights Perspective.* *Space Law Review*, 21(3), 58-74.
6. **O'Connor, J. (2021).** *Sustainable Space Development and Human Rights: A Comprehensive Analysis.* *Journal of Space and International Law*, 30(2), 201-219.
7. **Wilson, H. (2021).** *The Role of UN COPUOS in Promoting Long-Term Sustainability of Outer Space Activities.* *Global Governance: A Review of Multilateralism and International Organizations*, 27(3), 175-192.
8. **Graham, R. (2022).** *Morality and Space: Developing an Ethical Framework for Space Activities.* *Journal of Space Policy and Law*, 26(1), 85-104.
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10. **Mitchell, S. (2023).** *The Ethics of Space Exploration: Balancing Human Rights and Space Development.* *Astropolitics Journal*, 20(1), 55-71.
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12. **Adams, T. (2024).** *Human Rights in Outer Space: Developing Norms and Standards.* *Space Law and Policy Journal*, 26(2), 133-150.

#### **Learning Outcomes:-**

After completion of the course, students will be able to:

1. Demonstrate knowledge of the key international treaties, conventions, and agreements

- governing outer space and their application to both governmental and private sector activities.
2. Critically evaluate contemporary issues such as space debris management, militarization, resource exploitation, and the environmental impact of space activities.
  3. Assess the legal and regulatory frameworks concerning private sector involvement in space exploration, satellite launches, space mining, and space tourism.
  4. Apply legal principles to help develop fair, sustainable, and innovative policies that address the evolving nature of space activities, ensuring international cooperation and peaceful use of outer space.
  5. Understand the role of international bodies, national laws, and cooperation mechanisms in ensuring equitable access and safety in the space domain.

### Significant Case Laws: -

- Alpha Lyracom Space Communications v. COMSAT 1990 – 2 Trade Cas. (CCH) P69,188 (S.D.N.Y. 1990)
- American Satellite Co. v. United States, 26 Cl. Ct. 146 (1992)
- American Satellite Co. v. United States, 998 F. 2d 950 (Fed. Cir. 1993)
- Appalachian Insurance v. McDonnell Douglas 214 Cal. App 3d 1, 262 Cal. Rptr. 716 (Cal.App. 4th Dist. 1989)
- Berg v. Reaction Motors Division 37 N.J. 396, 181 A.2d 487 (N.J. 1962)
- COMSAT v. Franchise Tax Board, 156 Cal. App. 3d 726 203 Cal. Rptr. 770 (Cal. App.1st Dist. 1984)
- Environmental Defence Fund v. Massey, 986 F.2d 528 (D.C. Cir. 1993)
- Florida Coalition for Peace and Justice v. George Herbert Walker Bush, Civil Action No.89 – 2682 – Og (D.D.C. 1990)
- Hughes Aircraft Co. v. United States 29 Fed. Cl. 197 (1993)
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- International Court of Justice, Germany v. United States of America (LaGrand Case) Stott
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- Martin Marietta v. INTELSAT, 991 F. 2d 94 (4th Cir. 1992)
- [Pigott v. Boeing, 240 So. 2d 63 \(Miss. 1970\)](#)
- The Korean Air ‘Nut Rage’ Incident
- Thibodeau v. Air Canada [2014] SCC 67
- Transpace Carriers v. United States, 22 Cl. Ct. 80 (1990)

- United States v. Causby, 328 U.S. 256, 66 S. Ct. 1062 (1946)
- United States v. Cordoba, 89 F. Supp 298 (E.D.N.Y 1950)
- United States v. One Lucite Ball Containing Lunar Material, 2003 U.S. Dist Lexis 467(2003)

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## **Paper – IV**

### **INTERNATIONAL LAW OF ORGANISATION**

#### **(Specialised 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 of IO 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 Cooperation 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 – Expulsion- 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 and peace.

#### **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.

#### **BIBLIOGRAPHY**

#### **RECOMMENDED READING:**

#### **INTERNATIONAL INSTRUMENTS**

1. Hague Peace Conferences (1899 – 1907), Convention on the Peaceful Settlement of International Disputes.
2. Treaty of Paris (Kellogg – Briand), 1928.
3. The Atlantic Charter, 1941.
4. Charter of United Nations and Statute of the International Court of Justice, 1945.
5. Convention on the Privileges and Immunities of the United Nations, 1946.
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.
10. Vienna Convention on Diplomatic Relations, 1961.
11. Vienna Convention on the Law of Treaties, 1969.
12. Convention on Special Missions, 1969.
13. Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 1970.
14. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973.
15. Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character, 1975.
16. Vienna Convention on Succession of States in respect of Treaties, 1978.
17. Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations, 1986.
18. Conclusions of the work of the Study Group on the Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law, 2006.
19. Draft Articles on the Responsibility of International Organizations, 2011.

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2. Rahmatullah Khan (1970), Implied Powers of the United Nations, Vikas Publications: India, 1970.
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4. Henry G. Schermers and Niels Blokker (2011), International Institutional Law: Unity within Diversity, Martinus Nijhoff Publishers: Netherlands.

5. Jan Klabbers (2015), *An Introduction to International Organizations Law*, Cambridge University Press: United Kingdom.
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6. Phillippe Sands and Pierre Kien, *Bowett's Law of International Institutions*, Thomson: Sweet& Maxwell, 5<sup>th</sup> ed, 2001.

### **FURTHER READING:**

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14. Case Concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of the International Court of Justice, 9 July 2004.
15. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement of the International Court of Justice, 26 February 2007.
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17. Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Croatia v. Serbia, Judgement of the International Court of Justice, 3 February 2015.
18. Case Concerning Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America), Application of Institution of Proceedings in the International Court of Justice, 28 September 2018.
19. Case Concerning Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion rendered by the International Court of Justice, 25 February 2019.
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.
21. Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, International Court of Justice, 19 July 2024.

# **Paper V**

## **INTERNATIONAL ECONOMIC LAW**

### **(Specialised Core Paper)**

#### **OBJECTIVES OF THE COURSE:**

*This course is aimed at those wanting to understand the role of law in the global economy. It provides a legal framework that governs the conduct of nations in their trade relations. It examines development, foreign direct investment and economic rights and also the legal rules which strengthen the global trade. It encompasses the rules and standards that ensure fairness, predictability, and stability in international trade. It analyses how to protect domestic industries, safeguard public health and safety, and promote sustainable development. By providing a set of guidelines and mechanisms for resolving trade disputes through trade negotiations and dispute settlement bodies, international trade law maintains a rules-based trading system that encourages cooperation and minimizes conflicts.*

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

- Understanding of the economic principles and legal institutions that govern the negotiation of regional and international trade agreements, foreign direct investment, international financial transactions, project finance and technology transfer.
- The role of International Instruments in law making and policies related to economic arena.
- International economic law broadly refers to the legal and regulatory architecture that governs our global economy.
- The course also develops your understanding of, and asks you to consider, legal implications of the changing roles of international economic institutions in both global and regional contexts.

#### **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 – Modes of Services – Opening of Legal Services Sector in India - Development, food security and land as a natural resource – Principles and Policies of GATT – Most Favoured Nation – Reciprocity – National Treatment – Unfair Practices – Dumping and Anti-dumping – Subsidies: Prohibited, Actionable and Non-Actionable Subsidies.
- b) 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.
- c) International Commercial Contracts – INCOTERMS – CIF, FOB and FAS Contracts – International Sale of Goods – CISG Convention – Electronic Communication Convention – UNCITRAL – UNCTAD.

**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 – Doha Declaration – Post TRIPS scenario
- 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 – Preferential Trade Arrangement (PTA)
- b) International Trade Agreements – Illicit Trade – War, Arms trade and the Private Security Business – Organised Economic Crimes and Money Laundering – Illicit Imports
- 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.

#### **Learning Outcomes:**

After completion of the course, students will be able to –

1. To analyse the various functional and theoretical bases for organizing economic relations at the international level;
2. To identify the nations' trade intercourse and their diplomatic relations with each other.
3. To apply the rules and principles to solve problems presented in class and hypotheticals or cases decided by international dispute settlement bodies;
4. 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.

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2. Ralph Folsom, "Principles of International Trade Law", 2017, 2<sup>nd</sup> Edition, West Academic Publishing.
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4. Simon Lester and Bryan Mercurio, "World Trade Law: Text, Materials and Commentary", 2018, 3<sup>rd</sup> Edition, Hart Publishing.
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- and the Behavioural Political Economy of Protectionism”, *Journal of International Economic Law*, 2019, Volume 22, Issue 4, pp. 601 – 628.
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## **Paper – VI**

# **PEACEFUL SETTLEMENTS OF INTERNATIONAL DISPUTES**

### **(Specialised 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 peace and 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-1: Introduction to notion of Peace and War**

- (a) Origin, Nature and Scope of Universal Peace - Essentials of Peace - Theological Understanding on War and Peace - Justice and International Law.

- (b) Changing Nature of War - Nature of War - Challenges of War in Modern International Law - Kellogg Briand Pact - Alternatives Means of Settlement to War -Peaceful Settlement of International Disputes and International Peace and Security- Free Choice of Means - Forum Shopping and Corum convenience.
- (c) Characterisation of Disputes - Legal Dispute and Political Dispute - Terminological Crisis - International Disputes – Controversy – Conflict – Situation - Identification and Existence of International dispute - Contribution of the International Organisations for the Peaceful Settlement of International Disputes - Conflict of Organs - Investment Disputes.

### **Module-2: Diplomatic and Non-Diplomatic Means of Settlement**

- (a) Negotiation-Definitional Elements - Steps and Process – Mediation – Consultation - Good Office - Conciliation-Commission of Enquiry - Impact of Scientific Findings.
- (b) Arbitration – Adjudication - Disputation Process - Multi Door Facility
- (c) International Fact Finding Mission – Compliance - Modes of Enforcement-Remedial Mechanism

### **Module-3: United Nations Law on Progressive Development of Peaceful Settlement of international Disputes**

- (a) Hague Conferences - League of Nations - Pact of Paris - United Nations-Preamble, Articles 1, 2 and 33 - Pacific Settlement of Disputes - Friendly Relations - Manila Declaration on the Peaceful Settlement of International Disputes.
- (b) International Law Commission on Peaceful Settlement of International Disputes- Role of the General Assembly and Security Council - Role of the Secretary General - 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-4: International Judicial Functions**

- (a) Historical Origin of Permanent Court of Arbitration – PCIJ - International Court of Justice - Dual Character of the ICJ - Covenant of the League of Nations and Charter of the United Nations – ITLOS - WTO Dispute Settlement Body - ICSID.
- (b) Jurisdictional Clause - Compulsory Jurisdiction - Optional Clause - Contentious Jurisdiction - Forum Prorogatum - Provisional Order - Incidental Proceedings-Interpretation – Counter – Claims – Revision - Advisory Opinion-Advisory Opinion as Contentious Case - Circumvention - Wall Opinion - Kosovo Opinion - Humanisation Movement and its scholarship.

- (c) International Judicial Conscience - Consentualist Approach - Role of International Lawyering in the ICJ - International Justice and Universal Justice - Individual Access to Justice

#### **Module-5: Proliferation of Judicial and Quasi-Judicial Bodies:**

- (a) Promotion of Human Rights - Need for the Proliferation of International Judicial Bodies - Regional Courts - Human Rights Courts - Human Rights Committee -Common Mission of Justice.
- (b) International Criminal Law - Nuremburg Tribunal - 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 for Cambodia - International Crimes Tribunal of Bangladesh

#### **Module-6: Impact of Regional Human Rights Court on Individual Access to Justice**

- (a) Principle of Equality of Parties - Individual Access to Justice.
- (b) Contribution of American Court of Human Rights - European Court of Human Rights - African Court on Human and People's Rights.
- (c) International Court of Justice - Wall Opinion - Kosovo Opinion - Humanisation Movement and its Scholarship.

#### **Module-7: Contemporary Challenges in International Disputation Process**

- (a) Conflict between State Sovereignty and Human Rights - Interpretation of Dispute Settlement Clause in Treaty Laws.
- (b) Problems of Fragmentation - Unity of International Law and Judicial Institution-Need for the Establishment of International Human Rights and Humanitarian Court, International Labour Court-International Environment Court - International Space Court.
- (c) Complexities of International Water Disputes Management - Remedial Justice for Victims of International Crimes - Prevention of State Criminality.

#### **Module-8: International Judicial Impact Assessment: Lessons from Judicial behaviour**

- (a) Contribution of Judges - Kotaro Tanaka - Bindingness of Principle of International Human rights - Antonio Augusto Cancado Trindade.
- (b) Concept of International Judicial Conscience - Dissenting Opinion - Christopher Gregory Weeramantry - Competency of International Courts - Significance of Social Facts in International Adjudicational Process - Radha Binod pal.

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3. Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany), Provisional Order, ICJ, 2024.
4. Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip, (South Africa v. Israel), Provisional Measures of the ICJ, 26 January 2024.
5. Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip, (South Africa v. Israel), Modification Provisional Measures, ICJ, 2024.
6. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Compensation, ICJ, 2022.
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15. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Merits, ICJ, 2015.
16. Whaling in the Antarctic (Australia v. Japan: New Zealand intervening), Merits, ICJ, 2014.
17. Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), Compensation, ICJ, 2012.
18. Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening), Merits, ICJ, 2012.
19. Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Merits, ICJ, 2012.
20. Case Concerning Application of the International Convention on the Elimination of all Forms of Racial Discrimination, (Georgia v. Russia), Preliminary Objection of the ICJ, 1 April 2011.
21. Pulp Mills on the River Uruguay (Argentina v. Uruguay), Merits, ICJ, 2010.
13. Accordance with international law of the unilateral declaration of independence in respect of Kosovo, Advisory Opinion, ICJ, 2010.
14. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Merits, ICJ, 2007.
15. Legal Consequences of the Construction of a wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ, 2004.
16. Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America), Preliminary Objection of the ICJ, 27 February 1998.
17. Case Concerning United States Diplomatic and Consular Staff in Tehran, (United States of America v. Iran), Judgment of the ICJ, 24 May 1980.
18. Western Sahara, Advisory Opinion, ICJ, 1975.
19. Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, ICJ, 1949.

**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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3. Havana Convention on Asylum, 1928.

4. Montevideo Convention on Political Asylum, 1933.
5. Montevideo Treaty on Asylum and Political Refuge, 1939.
6. The Atlantic Charter, 1941.
7. Charter of United Nations and Statute of the International Court of Justice, 1945.
8. Convention on the Privileges and Immunities of the United Nations, 1946.
9. Convention on the Privileges and Immunities of the Specialised Agencies, 1947.
10. Statute of the International Law Commission, 1947.
11. Draft Declaration on Rights and Duties of States, 1949.
12. UN General Assembly Resolution 377 A (V), 1950 on Uniting for Peace.
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16. Vienna Convention on Consular Relations, 1963.
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18. Vienna Convention on the Law of Treaties, 1969.
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20. Declaration on Principles of International Law concerning Friendly Relations and Co – operation among States in accordance with the Charter of the United Nations, 1970.
21. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973.
22. Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character, 1975.
23. Vienna Convention on Succession of States in respect of Treaties, 1978.
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25. Conclusions of the work of the Study Group on the Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law, 2006.  
Draft Articles on the Responsibility of International Organizations, 2011.

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2. R.P. Anand (1994), *United Nations and The Gulf Crisis*, Banyan Publications: India.
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2. Frank Przetacznik (1991), Reaffirmation of Basic Principles of Diplomatic and Consular Law by the International Court of Justice in the American Diplomatic Case in Iran, Sri Lankan Journal of International Law, Vol. No.3, PP.119 – 152.
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2. Case Concerning the International Status of South – West Africa, Advisory Opinion of the International Court of Justice, 11 July 1950.
3. Case Concerning Asylum (Colombia v. Peru), Judgement of the International Court of Justice, 20 November 1950.
4. Case Concerning Haya De La Torre (Colombia v. Peru), Judgement of the International Court of Justice, 13 June 1951.
5. Case Concerning Certain Expenses of the United Nations (Article 17 Paragraph 2 of the Charter), Advisory Opinion of the International Court of Justice, 20 July 1962.
6. Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgement of the International Court of Justice, 21 December 1962.
7. Case Concerning South – West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, Judgement of the International Court of Justice, 18 July 1966.
8. Case Concerning Legal Consequences for States of the continued presence of South Africa in Namibia (South – West Africa), Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion of the International Court of Justice, 21 June 1971.
9. Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Provisional Order rendered by the International Court of Justice, 15 December 1979.
10. Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Judgement of the International Court of Justice, 24 May 1980.
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.
13. Case Concerning the Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion of the International Court of Justice, 29 April 1999.
14. Case Concerning La Grand (Germany v. United States of America), Provisional Order rendered by the International Court of Justice, 3 March 1999.

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16. Case Concerning Avena and Other Mexican Nationals (Mexico v, United States of America), Provisional Order rendered by the International Court of Justice, 5 February 2003.
17. Case Concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of the International Court of Justice, 9 July 2004.
18. Case Concerning Jadhav (India v. Pakistan), Provisional Order rendered by the International Court of Justice, 18 May 2017.
19. Case Concerning Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America), Application of Institution of Proceedings in the International Court of Justice, 28 September 2018.
20. Case Concerning Jadhav (India v. Pakistan), Judgement of the International Court of Justice, 17 July 2019.

#### **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.*

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## **PAPER – VIII**

### **INTERNATIONAL HUMANITARIAN AND REFUGEE LAW**

#### **(Discipline Specific Elective Paper)**

#### **OBJECTIVES OF THE COURSE:**

*International Humanitarian Law has developed to a greater extend 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

### **MODULE – VII: INTERFACE BETWEEN IHL AND IHRL**

- a. Evolution of the concept of Human Rights in International Law – Principle of Humanity as Customary International Law and its effect on Laws of Armed Conflict – Life Jurisprudence in International Human Rights Treaty Framework – Doctrine of Derogability and Non-Derogability under Article 4 read with Article 2 of ICCPR and its influence on Application of IHL.
- b. Article 75 of Additional Protocol I
- c. ICJ's convergence on IHRL and IHL – Wall Opinion and DRC v Uganda

### **MODULE – VIII: PROTECTION OF ENVIRONMENT DURING ARMED CONFLICT**

- a. St. Petersburg Declaration and Brussels Conference on Methods and Means of Warfare – Second Geneva Convention – San Remo Manual on International Law applicable to Armed Conflict at sea - AP I Article 55 – Tbilisi Declaration - Professor Richard Falk’s Draft International Convention on Crime of Ecocide – 2015 SDG Goal 16 - 2022 ILC Draft Principles on Protection of Environment in relation to Armed Conflicts – Reparation for Damage of Natural Resources in Armed Conflict in DRC v. Uganda.

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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)**

##### **Course Objective:**

The study of Private International Law leads in time to an examination of the essential difference 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 comparative perspective and it sure to benefit their future legal practice and further legal academic research.

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

- *To have a comprehensive understanding of the international framework of Private Laws.*
- *To analyse the developments of private international law by comparatively interpreting laws passed by several nations.*
- *To examine the current and the potential future uses of private international law in traditional and modern issues in private law like marriage, divorce, child custody, transnational contracts, intellectual property and cyberspace.*
- *To understand the fundamentals of the subject to develop career in private international law academics and litigation.*

##### **Course Outline**

###### **Module –I: Introduction to Private International Law**

1. Definition, Meaning of Private International Law – Identity Crisis of the Terminology – Scope of Private International Law – Functions of Private International Law – Nature of Private International Law – Foreign Element
2. Relationship between Private International Law, Public International Law, International Commercial Law and International Economic Law
3. Historical Development of Private International Law – Influence of EU in developing Private International Law – History of Private International Law in India.
4. Sources of Private International Law
5. Theories of Private International Law
6. Codification and Unification of Private International Law – UNIDROIT – HCCH

###### **Module – II: Fundamental Concepts of Private International Law**

1. Jurisdiction, Choice of Law, Recognition and Enforcement of Foreign Judgements
2. Choice of Law – Determination of Nature of Disputes – Classification of Disputes - Lex Fori, Lex Causae Approach – Connecting Factors – Incidental questions - Substantive and Procedural Issues – Limitations, Evidence
3. Renvoi – Total and Partial Renvoi – Approaches of Nations – Indian Approach
4. Functions of Foreign Law in Domestic Court – Proof of Foreign Law – Proof of Unwritten Laws - Indian Laws – CPC – Indian Standards Cases

5. Domicile, Nationality, Habitual Residence – Test of Nationality - Criteria for Domicile – Theories of Status and Capacity – Dual Citizenship – Statelessness

### **Module – III: Jurisdictional Issues**

1. Bases of Jurisdiction
2. Approaches towards Jurisdiction – Traditional and Modern Approaches – Ways of Disposing Conflict of Law Cases
3. Principle of Forum Non Conveniens
4. Doctrine of Processual Presumption
5. Jurisdiction in Personam, Jurisdiction in Rem
6. Parties and Service of Process - Evidence
7. Unification Attempt – Brussels and Lugano Convention – HCCH Convention

### **Module – IV: Matrimonial Issues and Children**

1. Residence, Citizenship and Domicile of Individuals and Spouses – Matrimonial Home
2. Validity of Marriage – Formal and Essential Validity – Lex Loci and Lex Fori Approach – Common law and Civil Law Jurisprudence - Capacity to Marry, Consent, Prohibited Degrees of Marriage – Intended Matrimonial Home – Proper Law of Marriage
3. Public Policy Doctrine – Interreligious Marriage – Polygamous Marriages - Recognition of Islamic Sharia Law - Same Sex Marriage – LGBTQ+ - Right to Marry – Subsidiary Issues – Immigration
4. Dissolution of Marriage – Jurisdiction, Grounds for Divorce – Separation – Annulments - Recognition of Foreign Judgements - Recognition of Talaq – Pre and Post-nuptial agreements – Dower - Alimony - Matrimonial Property - Hague Convention on Recognition of Foreign Divorce and Legal Separation – Hague Convention Relating to Matrimonial Property
5. Paternity – Presumption of Paternity - Child Abduction – Hague Child Abduction Convention – Prompt Return – Grave Risk Doctrine - Guardians and Wards Act - Indian Bill
6. Custody of Children – Child Care – Best Interest of Child - Recognition of Foreign Custody Orders – Indian Approach – Surya Vadanani Case - Child Adoption – Recognition of Foreign Adoption Orders - 1993 Hague Inter Country Adoption Convention – Indian Laws – CARA Guidelines – Adoption Regulations, 2022
7. Surrogacy – Development of EU Law – Evolution of Surrogacy Laws in India – Jan Balaz case – Hague Parentage/Surrogacy Project.

### **Module – V: Commercial Contracts**

1. Formal and Essential Validity – Proper Law of Contract – Capacity of Parties – Lex Loci Contractus, Lex Loci Voluntatis, Lex Loci Intentionis – Depeçage - Public Policy Doctrine Exception
2. General Choice of Law in Contracts – Choice of Law in Special Contracts – Employment Contracts, Consumer Contracts - Party Autonomy – Default Choice of Law
3. Digital Contracts – Transnationality of Internet Litigations – Digital Due Process – State Jurisdiction: Physical Location of Petitioner, Respondent, Property, Place of Service, Evidence, etc. – Yahoo! Case

4. UNIDROIT Principles of International Commercial Contracts – Hague Principles on Choice of Law in International Contracts – Rome II Regulations – Asian Principles of Private International Law

#### **Module – VI: Torts and Property**

1. Torts – Jurisdiction and Choice of Law – Lex Loci Delicti - Double Actionability Rule – Forum non conveniens – Flexible Exception Rule
2. Specific Torts – Product Liability – Defamation – Competition Cases - Environmental Torts – Maritime Torts – Aeronautic Tort – Transport and Telecommunication Tort
3. Classification of Property – Jurisdiction over moveable and immoveable property – Lex Situs – Capacity to Transfer
4. Transfer of Property – Extrinsic and Intrinsic validity - Assignment – Succession – Wills – Administration of Estates
5. Intellectual Property Issues online IP infringement -
6. International Convention and Unification – Hague Conventions on: Succession; Forms of Will; Trusts; Product Liability; Traffic Accidents - Rome II Regulations

#### **Module – VII: International Commercial Arbitration; Recognition and Enforcement of Foreign Awards and Judgements**

1. UNCITRAL Arbitration and Conciliation Rule – Application of Arbitration and Conciliation Act
2. Arbitration Agreement – Party Autonomy and Choice of Law
3. Composition and Jurisdiction of Arbitral Tribunal – Conduct of Proceedings – Termination of Proceedings
4. Making an Award – Recourse Against Awards
5. Recognition of Foreign Interim and Final Judgements and Awards – Requisites and Defences – Grounds for Non-Recognition
6. Enforcements of Foreign Awards – Finality – Direct Execution – Failure of Execution – Procedure for Enforcement – Jurisdiction over Action for Enforcement – Limitation Period
7. New York Convention – Brussels and Lugano Convention – Hague Choice of Court Agreements – Hague Judgements Convention – Asian Principles – Inter-American Convention

#### **Module – VIII: Contemporary and Modern Issues**

1. Digital Service Provider – Conflict rules relating to Cyberspace – Multi-territoriality of Data and Data Privacy – Domicile of Company
2. Violation of Foreign Law and International Treaties in Drugs, Smuggling, etc
3. Labour Disputes and Conflict of Laws – Global Labour Market and Migration of Labours
4. Acquisition of Antiquities – UNESCO Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural Property – UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects
5. Conflict Rules on Corporation and Partnership
6. Conflict of Laws and Regional Harmonisation – Regional Courts – Influence of EU, African Union – Inter-American - Non-State Actors – Specialised Agencies

### **Learning Outcomes:**

After completion of the course Students will be able to:

1. Analyse the elements of foreign laws and its application on the individuals in municipal sphere.
2. Demonstrate the conceptual necessity, contextual inevitability, legal adaptability and to discover the substantive and procedural aspects of litigation of transnational transactions.
3. Discuss the desirability and effectiveness of sovereign immunity and impact of foreign judgements.
4. Analyse the compelling influence of different personal factors and comprehend the complex issues arising out of transnational matrimonial relationships, horizons of contracts, tort, and property beyond domestic frontiers.
5. 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.

### **Recommended Readings:-**

#### **Books:**

1. John O'Brien, Conflict of Law, Cavendish Press.
2. Lakshmi Jambholkar, 'Conflict of Laws' in SK Varma and K Kusum (eds), 'Fifty Years of the Supreme Court of India: Its Grasp and Reach', Indian Law Institute 2000.
3. V.C. Govindaraj, "The Conflict of Laws in India – Inter-Territorial and Inter-Personal Conflict", Oxford University Press, 2019, 2<sup>nd</sup> Edn.
4. Stellina Jolly and Saloni Khanderia, "Indian Private International Law", Hart Publishing, 2021.
5. Dicey, Morris & Collins, "The Conflict of Laws", Sweet and Maxwell, 15<sup>th</sup> Edition, 2017.
6. VC Govindaraj, Private International Law A Case Study, Oxford University Press 2018
7. Abba Mayss, Principles of Conflict of Laws, Cavendish Publishing Ltd, 2<sup>nd</sup> Edition, 1996
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9. K Trimmings, P Torremans, A Mills, U Grusic, C Heinze, 'Cheshire, North, and Fawcett: Private International Law', OUP, 2017.

### **Further Readings**

#### **Books:**

1. RH Graveson, 'Conflict of Laws', Sweet and Maxwell Publishing, 7<sup>th</sup> edn, 1974.
2. WN Hibbert, 'International Private Law or Conflict of Laws', University of London Press 1918.
3. A Nussbaum, 'Principles of Private International Law', Oxford University Press 1945.
4. AV Dicey, 'A Digest of the Law of England with Reference to the Conflict of Laws', Steven and Sons Limited, 1896.
5. Clarkson and Hill, "The Conflict of Laws", Oxford University Press, 2016.
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7. P Diwan, Private International Law (Deep and Deep Publications, 1993)

8. Katarina Trimmings, Paul Beaumont, *International Surrogacy Arrangements: Legal Regulation at the International Level (Studies in Private International Law)*, Oxford University Press, 2012.
9. Toshiyuki Kono, *Intellectual Property and Private International – Comparative Perspectives*, Hart Publishing, 2012.
10. Garry Born, *International Commercial Arbitration* (Wolters Kluwer Law & Business, 2009)
11. J. H. C. Morris – *Cases and Materials on Private International Law*, (Butterworth & C, 1984)
12. Symeon C. Symeonides, *Codifying Choice of Law Around the World: An International Comparative Analysis* (Oxford University Press, 2014)
13. Albert A. Ehrenzweig, *Treatise on the Conflict of Laws* (West Publishing Company, 1982)
14. Gottschalk et al., *Conflict of Laws in a Globalized World* (Cambridge: Cambridge University Press, 2007)
15. Brilmayer, Goldsmith & O'Connor, *Conflict of Laws - Cases and Materials*, (Aspen Casebook Series, Wolters Kluwer Law & Business 2011)
16. Hoffheimer, *Conflict of Laws - Examples & Explanations*, (Aspen Publishers - Wolters Kluwer (2010)
17. P.E. Noronha, "Private International Law in India", Universal Law Publishing, 2015.
18. Briggs A., "Agreements on Jurisdiction and Choice of Law", Oxford University Press, 2008.
19. Gary B. Born, "International Commercial Arbitration", Wolters Kluwer Law & Business, 2009.

#### **Journals:**

1. Stanley B. Stein, "Choice of Law and Doctrine of Renvoi", 17 Mc Gill Law Journal, 582 (1971)
2. Abdul Razak, "Judicial Interpretation of "Foreign Jurisdiction Clause" in Contract-Calls for Review: A Study in the Context of Bangladesh", India Law Journal, [http://indialawjournal.com/volume2/issue\\_2/article\\_by\\_abdur\\_razzak.html](http://indialawjournal.com/volume2/issue_2/article_by_abdur_razzak.html)
3. Farshad Ghodoosi, "The Concept of Public Policy in Law: Revisiting the Role of the Public Policy Doctrine in the Enforcement of Private Legal Arrangements", 94 Neb. L. Rev. 685 (2015)
4. Rudolf B. Schlesinger, "Recurrent Problem in Transnational Litigation: The Effect of Failure to Invoke or Prove the Applicable Foreign Law", 59 Cornell L. Rev. (1973).
5. WE Beckett, "What is Private International Law?", British Yearbook of International Law, 7 (1926) 73-96.
6. FK Juenger, "Private International Law or International Private Law", King's College Law Journal, 5 (1994) 45-64.
7. JR Stevenson, "The Relationship of Private International Law to Public International Law", Columbia Law Review, 42 (1942) 189-192.
8. VP Nanda, "For Whom the Bell Tolls in the Aftermath of the Bhopal Tragedy: Reflections on Forum Non Conveniens and Alternative Methods of Resolving the Bhopal Dispute", 15 (1987) Denver Journal of International Law and Policy 235-254.
9. TSR Rao, "Private International Law in India", 5 (1956) Indian Yearbook of International Affairs 219.
10. John Robb, "Personhood and Status of Legal Persons in Private International Law", 15 Journal of Private International Law (2019)

11. Martin Davies, "Renvoi and Presumptions about Foreign Law", 30 Melbourne University Law Review 244 (2006)
12. Derek Fincham, "Rejecting Renvoi for Movable Cultural Property: The Islamic Republic of Iran v. Denyse Berend", 14 International Journal of Cultural Property 111-120 (2007)
13. D Falconbridge, "Characterization in the Conflict of Laws", 53 Law Quarterly Review 235-258 (1937)
14. J Unger, "The Place of Classification in Private International Law", 19 Bell Yard Journal of the Law Society's School of Law 3-21 (1937)
15. JDI Hughes, "Judicial Method and the Problem in Ogden v Ogden", 44 Law Quarterly Review 217-226 (1928)
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18. A Iyer, "Domicile and Habitual Residence", 6 Singapore Law Review 115 (1985)
19. Annie Macaffrey, "Internet Contracting and E-Commerce Disputes: International and US Personal Jurisdiction", 2 Global Bus.L.Rev. 95 (2011)
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28. Lakshmi Jhambolkar, "Recognition of Foreign Divorce Decrees in India", Journal of Indian Law Institute 33 (3), 433-438 (1991)
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31. RD James, "Polygamy and Capacity to Marry" 42(5) Modern Law Review 533-543 (1979).
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34. S Maidment, 'The Legal Effect of Religious Divorces' (1974) 37 Modern Law Review 611–626
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37. Linda Siberman, "Hague International Child Abduction Convention, A progress Report ,law and Contemporary Problems", International Comparative Law Quarterly,57,(3),201,(1994)
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54. Dan Jerker B. Svantesson. "An introduction to jurisdictional issues in cyberspace", *Journal of law, information and science*, 15(1), 50-74. (2004)
55. S Khanderia, 'The Ascertainment of the Applicable Law in the Absence of Choice in India and South Africa: A Shared Future in the BRICS' [2020] *Oxford University Commonwealth Law Journal*
56. S Khanderia, Practice does not Make Perfect: Rethinking the Doctrine of 'The Proper Law of the Contract' – A Case for the Indian Courts' (2020) 16(3) *Journal of Private International Law* 423
57. JHC Morris and GC Cheshire, 'The Proper Law of a Contract in the Conflict of Laws' (1940) 56 *Law Quarterly Review* 320, 333
58. A Bonomi, 'Rome I Regulation on the Law Applicable to Contractual Obligations' (2010) 10 *Yearbook of Private International Law* 165
59. J Blom, 'Choice of Law Methods in the Private International Law of Contract' (1980) 18 *Canadian Yearbook of International Law* 161
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61. Nothing Certain about death and Tax,;European Union Regulation of Croos-Border Successions ,Emory International Law Review, 27, 1146-1174 (2013)[http://law.emory.edu/eilr/\\_documents/volumes/27/2/comments/bost.pdf](http://law.emory.edu/eilr/_documents/volumes/27/2/comments/bost.pdf)
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63. Derek Fincham , "How Adopting the Lex Originis Rule Can Impede the Flow of Illicit Cultural Property", *Columbia Journal of Law and the Arts* 32(1)(2008)
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66. JHC Morris, 'The Proper Law of Tort' [1951] *Harvard Law Review* 881
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87. Alessandro Chechi, “When Private International Law Meets Cultural Heritage Law Problems And Prospects” *Yearbook of Private International Law*, Volume 19 (2017/2018), pp. 269-293
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  41. Zippo Mfg Co. v. Zippo Dot Com
  42. LICRA v. Yahoo!
  43. Banyan Tree Holding Pvt Ltd v. A. Murali Krishna Reddy
  44. Impresario Enterntainment v. S&D Hospitality
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## **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. 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. As international and national systems are intervened, the paper focuses on local water problems associated with national and state level law making.*

*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 study the national and international legal regimes relating to watercourses.*
- *To explore the connections amongst water, environment, land and human rights laws.*
- *To critically approach the 'water' in courts, tribunals, academics and other forums.*

##### **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 International and Inter-State 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 Water Law**

- a) Transboundary agreements and dispute settlement with Pakistan, Bangladesh, Nepal and China
- b) Emerging issues – Indus and Brahmaputra – interlinking of rivers
- c) India's approach to international water law – Application of principles of international water law in the tribunals and courts

### **MODULE – IV: Inter – State River Management and Dispute Settlement**

- a) Constitutional Aspects – River Boards
- b) Management of Brahmaputra – Ganges – Narmada – Mahanadi – Godavari – Cauvery – Krishna - Godavari
- c) Parliament and Supreme Court on Inter-state rivers – rights of non-riparian states

### **MODULE – V: States and Water Governance**

- a) Role of State Governments in water law making – Irrigation laws (Tamil Nadu)
- b) Groundwater Governance in various states- Groundwater laws
- c) Role of local bodies – institutional mechanism to govern water supply

### **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

### **LEARNING OUTCOME**

#### **On Completion of the Course the students will be able to**

- Understand the basic attributes of about water as a resource, and its impact on economic, social and cultural structures.
- Recognize the basic legal principles of transboundary water law and implementing them to address concerns arising out of transboundary water issues.

- Outline the national and international legal regimes relating to watercourses.
- Analyze the areas of convergence amongst water, environment, land and human rights laws.
- Create and develop a robust framework to solidify the national and international position of India in relation to watercourses.

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2. Pulp Mills on the River Uruguay Case (Argentina v. Uruguay)
3. Case Relating to the Territorial Jurisdiction of the International Commission of the Oder River
4. Case Concerning the Gabčíkovo – Nagymaros Project (Hungary v. Slovakia)
5. Case Concerning Kasikili/Sedudu Island (Botswana v. Namibia)
6. Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)
7. Indus Waters Kishenganga Arbitration (Pakistan v. India)
8. Bayview Irrigation District, et. al. v. United Mexican States
9. Gut Dam Case (US v. Canada)
10. Lake Lanoux Arbitration Case (Spain v. France)
11. State of Orissa vs Government of India AIR 2009 SC (Supp) 261.
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**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 Vindictive Justice – Attribution of Human Rights 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.

### **MODULE-VII Impact Of International Legal Scholarship**

Conceptualisation and defining international crimes-pioneering works of ICL scholars-role of prosecutor Nuremberg and Tokyo tribunal-legendary personalities-Raphael Lemkin - Vespasian V. Pella -Mahmoud Cherif Bassiouni - Antonio Cassese - Theodor Meron - Biko Agozino- Kai Ambos - William Schabas- John Dugard- Robert Cryer - Tadeusz Mazowiecki - Ilias Bantekas - Karima Bennouna -Valentina Azarova - Catherine A Mackinnon - Justice Navneetham Pillai- Adam Dieng.

### **MODULE-VIII International Criminal Law And Forensic Jurisprudence**

Nature and scope of Forensic Science and Jurisprudence- relevancy of forensic science in International Crimes-determination of intent and evidence- role of forensic experts in exhumation of dead bodies, victims- and acting as expert witness before international criminal tribunals - tracing missing persons ( anti-mortem and post-mortem) - role of ICRC's forensic experts in preservation of evidence, tracking missing persons and reconciliation between warring parties.

### **Learning Outcome**

1. Understand nature of international Crimes, and Uniquely understand the intensity of extraordinary victimization.
2. Efficiently visualize the modern sources of International Criminal Law and The foundational perspectives on the international element of crimes vis a vis criminological pattern.
- 3.Develop critical insights on elementary jurisprudence of International Crimes by work of criminal tribunals.
4. Knowledge of International Criminal Jurisprudence will also motivate the students to work up on the wisdom of prevention of International crimes apart from penological stand points.
- 5..The evolutionary jurisprudence on the substantive and procedural aspects of international crimes. And The impact of ad hoc and permanent international criminal justice delivery systems.

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8. The Prosecutor v. Radislav Krstic – Case No. IT – 98 – 33 – T, Judgement of 2 August 2001 of the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia.
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