



**South Asian University
Faculty of Legal Studies
LLM
2015-2017**

Winter Semester (Second Semester)

Course Information

PART I

Course Title:	Law and Justice in a Globalising World (LJGW)
Course Code:	LW039
Course Instructor:	Srinivas Burra
Course Duration:	One semester
Credit Units:	2
Medium of Instruction:	English
Prerequisites:	Nil
Precursors:	Nil
Equivalent Courses:	N/A

Part II Course Overview

It is argued that in the last few decades there have been perceptible changes across borders impacting people in almost every sphere. These developments are often referred to as globalization. Arguably these developments have been influencing international law in several ways. Most important influence on international law can be in two ways: one is the influence on the making of international law and the other is on the substantive content of international law. Traditionally States are makers of international law. This situation has not undergone any fundamental changes. However, it is argued that, unlike the past, several actors are influencing the decisions of States in different ways. These actors, broadly categorized as non-state actors, include armed groups, social movements and business entities. In addition to it, the substantive content of international law, it is argued as undergoing changes, thus leading to change in the idea of justice at the international level. While every exercise towards law making effects changes in the substantive law, it is imperative to evaluate how those changes are affecting the notions of justice at the international level.

The course would involve 12/13 weeks of teaching. Each week there would be two hours of teaching. Class room teaching involves lecture mode, case studies and presentations by students on selected topics of the week. Students are expected to come read the relevant portions of the compulsory readings every week.

Part III Course Aims

The course is intended to give students a comprehensive understanding of notion justice in the context of globalizing world particularly focusing on international law. The course aims to relate the idea of law and justice mainly in relation to some of the subjects dealt with in the last three semesters.

Part IV Evaluation Criteria

Students are expected to read and comment on the assigned reading material. Students are also expected to demonstrate a capacity to integrate arguments/views drawn from the class lectures with the readings. Mere repetition of class lecture notes or summarization of the content of the readings will not suffice.

Grading of Student performance: Evaluation/Grading is based on student performance in assessment tasks/activities/exams/presentations/class participation/viva voce test/regular attendance.

Part V Course Syllabus

Week 1 Introduction

This week's discussion would focus on clarifying the concepts of law, justice and globalization. It would deal with the changing nature of law and justice in the context of international law in the era of globalization.

Week 2

International law from a colonized past to a globalised present

This week's discussion would primarily look at international law from the point of view of the 'Third world' and would focus on the fundamental changes that took place in the making of and content of international law, particularly in relation to the processes of decolonization and the establishment of the United Nations.

Week 3&4

Human rights obligations beyond the State

Human rights are traditionally understood as claimable against the State by individuals. There has been a view for an expanding understating of human rights to include the human rights obligations of non-state entities like business entities and non-state armed groups. This week's discussion primarily revolves around the limits and the scope of the idea of State as the protector of human rights. It engages with the possibility of reconfiguring the relationship between human rights protection and the State.

Week 5&6

Forced Migration: Nation State, borders and rights

The idea of globalization expected to invariably involve, inter alia, the movement of people from one part to the other. However, international law in its historical evolution developed restrictions on the movement of people as an essential ingredient of sovereign right. This week's discussion would focus on the idea of globalization with the restrictions on the movement of people. It is intended to focus on the forced movement of people. Refugee law deals with a particular aspect of movement of people. Discussion on forced migration is intended to capture other forms of movement of people like conflicts, natural disasters, economic and developmental reasons.

Week 7&8

Old concepts in new contexts: examining permanent sovereignty over natural resources and the right to self-determination

The discussion would focus on the emergence of concepts permanent sovereignty over natural resources and the right to self determination which have played a significant role in the era of decolonization. However, they seem to have lost their 'strength' or sought to be interpreted or understood differently from the past. The discussion would focus on the continuing relevance or irrelevance of these concepts.

Week 9

Rights of indigenous peoples

The word "indigenous" is of Latin origin meaning "native". Indigenous peoples are ethnic groups or communities generally described as such with respect to a place, related as their traditional place of living. "Aboriginal", "native", "original", "first peoples", "scheduled tribes" are some of the usages to denote "indigenous peoples". The discussion would focus on the available legal mechanisms under international law and how these mechanisms are strained because of the developments in other branches of international law dealing with development and environment.

Week 10 & 11

Sex, gender and law

This week's discussion will focus on the gender discrimination and how international law addresses the issue. It particularly would deal with the developments in international law in response to the gender related theorization in other fields. It would also focus on queer rights

and international law. Legal articulation of differing feminisms is evaluated in the light of arguments of third world feminisms.

Week 12

Transitional justice

United Nations understands transitional justice as "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. Transitional justice processes and mechanisms are a critical component of the United Nations framework for strengthening the rule of law". The discussion would deal with the current understanding of transitional justice and the possibilities of expanding it to include economic, social and cultural rights with a view to preventing future conflicts.

Week 13

Global Administrative Law

This week's discussion would focus on what constitutes global administrative spaces and their regulation. It would deal with the sources and scope of what is referred to as the global administrative law.