

1. Department: None
2. Faculty: Legal Studies
3. Course Code: LW003
4. Course Title: International Law
5. Number of Credits: 04
6. Course objectives The objectives of the course are to equip the graduate student with the necessary knowledge and skills of international law to study more specialized courses of international law and develop capacity to apply international law in concrete cases.
7. Minimum prerequisites for taking this course, if any: None
8. Course Structure with units if applicable:
 - 8.1 The nature and functions of International law: classical/traditional approaches; naturalism, positivism and Grotian conception; validity, normativity and enforcement: spheres of validity, varieties of normativity and relativities of enforcement; role and contribution of the Asian states; appraisal.
 - 8.2 Sources of international law: Article 38 of the Statute of the International Court of Justice: treaties, forms, consent, parties, entry into force; custom, essentials, evidence, persistent objector; general principles of law, equity *infra legem*; judicial decisions, consistency and expediency; juristic work; other decisional considerations: economic interests, considerations of humanity, UN General Assembly resolutions; unilateral acts; authoritative legal acts of international organizations; *ex aequo et bono*; work of the International Law Commission; hierarchy, order and/or systematicity; appraisal.
 - 8.3 Relation of international law and municipal Law: theoretical and conceptual perspectives; municipal law in international law, “domestication” of international obligations and interpretation of municipal law; international law in municipal law, customary law, treaties, reception and treatment of other forms and manifestations of international law: state practice: UK practice, U.S. practice and the practice of the South Asian countries; appraisal.
 - 8.4 Principles of international law: introductory: equal rights and self-determination of peoples; sovereign equality of states; non-use of force; peaceful settlement of disputes; non-intervention; good faith; co-operation; appraisal.
 - 8.5 State responsibility: terminological; nature and scope: wrongful act, attribution, and breach; defences: valid consent, self-defence, permissible and proportional countermeasures, *force majeure*, distress, necessity; exceptions to defences: *jus cogens*, compliance with the continuing obligation; compensation, reparation, restitution, satisfaction; appraisal.
 - 8.6 Introduction to select international law issues in South Asia: boundaries, the fishermen issue; water-sharing, water resource management; use of force; terrorism; appraisal.
9. Reading suggestions: Text books/Web-resources/other

9.1 Textbooks

Anne Orford and Florian Hoffmann (eds), *The Oxford Handbook of the Theory of International Law* (Oxford 2016).

James Crawford, *Brownlie's Public International Law* (Oxford 2019).

M N Shaw, *International Law* (Cambridge 2021).

Peter Malanczuk, *Akehurst's Modern Introduction to International Law* (Routledge 1997)

R P Anand (ed), *Asian States and the Development of a Universal International Law* (Vikas Publications 1972).

S V Viswanatha, *International Law in Ancient India* (Longmans 1925).

Shearer, *Starke's International Law* (Oxford 2007)

Siegfried Weissner (ed), *General Theory of International Law* (Brill 2017).

9.2 Web resources/others

<http://library.sau.ac.in/>

A Anghie, 'The Evolution of International Law' (2006) 27 *Third World Quarterly* 739.

Agreement between Sri Lanka and India on the Boundary in the Gulf of Mannar and the Bay of Bengal between the two Countries and Related Matters, 1976, Article 5.

C H Alexandrowicz, 'Kautilyan Principles and the Law of Nations' (1965–66) 41 *British Yearbook of International Law* 301.

Convention on the Law of the Non-navigational Uses of Watercourses, 1997, Articles 5 and 7.

Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 1970, United Nations General Assembly Resolution 2625 (XXV) of 24 October 1970.

India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, Report of the Appellate Body of the WTO, WT/DS50/AB/R (19 December 1997).

Kingsley de Silva, 'Terrorism and Political Agitation in Post-Colonial South Asia: Jammu-Kashmir and Sri Lanka', in Ramesh Thakur and Oddny Wiggen (eds), *South Asia in the World: Problem Solving Perspectives on Security, Sustainable Development and Good Governance* (UNU Press 2004) 84.

M Mutua, What is Twail?, American Society of International Law, Proceedings of the 94th Annual Meeting 2000, 31–39.

Mahakali Treaty between India and Nepal, 1996.

Matthew J Moore, 'Buddhism and International Law' in Daniel J Kapust and Helen M Kinsela (eds), *Comparative Political Theory in Time and Place* (Springer 2017) 51.

Military and Para Military Activities in and Against Nicaragua (Nicaragua v United States of America), Merits, Judgment [1986] ICJ Rep 14.

North Sea Continental Shelf Cases, ICJ Reports [1969] ICJ Rep 3.

Onuma Yasuaki, 'International Law in and with International Politics: The Functions of International Law in International Society' (2003) 14 *EJIL* 105.

Prof. Nurul Islam and Ors. v Government of the People's Republic of Bangladesh and Ors., Bangladesh Supreme Court, Judgment of 7 February 2000, 52 D.L.R. (2000) 413.

R Perera, 'Suppression of Terrorism: Regional Approaches to Meet the Challenges', 16 *Sri*

- Lanka Journal of International Law* (2004) 19.
- Ravindra Pratap, 'Building Peace over Water in South Asia: The Watercourses Convention and SAARC' (2018) 4 *Athens Journal of Law* 7.
- Ravindra Pratap, 'Nuclear Arms Control Treaties and Non-Parties' (1999) 39 *Indian Journal of International Law* 626.
- "Sovereign Economic Freedom and Interests of Other States", in Patel, ed., *India and International Law* (Brill 2005) 127.
- *Narmada Bachao Aandolan v Union of India*, *Oxford Reports on International Law in Domestic Courts* (2006), <http://ildc.oxfordlawreports.com>.
- 'India-Bangladesh Maritime Boundary Award' (2015) *LAWASIA Journal* 1.
- Responsibility of States for Internationally Wrongful Acts, 2001, Text adopted by the International Law Commission in its Fifty-Third Session, 2001.
- Right of Passage over Indian Territory, Judgment*, *ICJ Reports* [1960] ICJ Rep 6.
- Roshani M Gunewardene, 'Indo-Sri Lanka Accord: Invitation or Intervention?' (1991) 3 *Sri Lanka Journal of International Law* 173.
- S M A Salman and K Uprety, *Conflict and Cooperation on South Asia's International Rivers: A Legal Perspective* (World Bank 2002) Chapter 1.
- SAARC Regional Convention on Suppression of Terrorism, 1987.
- Said Mahmoudi, 'Islamic Approach to International Law' in Rüdiger Wolfrum (ed) *Max Planck Encyclopaedia of Public International Law* (Oxford 2012) 1.
- Sunil Babu Pant and others v Nepal Government and others*, Nepalese Supreme Court, Judgment of 21 December 2007 [2008] 2 *NJA L.J.* 261, 138 *I.L.R.* 500.
- Surya P Subedi, 'Regulation of shared water resources in international law: The challenges of balancing competing demands' in Surya P Subedi (ed), *International Watercourses Law for the 21st Century* (Routledge 2006) Chapter 1.
- Surya P Subedi, 'The Right of Self-determination and the Tibetan People' in Dino Kritsiosis (ed), *Self-determination: Cases of Crisis*, Hull University Law School, Studies in Law Series, 1994, 1.
- The Constitution of Afghanistan, Article seven, ninety.
- The Constitution of India, Articles 51, 73, 246, 253, Seventh Schedule, List 1, Entry 14.
- The Constitution of Nepal, Article 51.
- The Constitution of the Democratic Socialist Republic of Sri Lanka, Article 27, 157.
- The Constitution of the Islamic Republic of Pakistan, Article 97, Fourth Schedule.
- The Constitution of the Kingdom of Bhutan, Articles 24, 25.
- The Constitution of the People's Republic of Bangladesh, Articles 25, 145A.
- The Constitution of the Republic of Maldives, Articles 68 and 93.
- The Indus Waters Kishenganga Arbitration (Pakistan v India)*, *Final Award of the Permanent Court of Arbitration*, dated 20 December 2013.
- The Indus Waters Treaty, 1960.
- The Text of Proclamation of Independence of Bangladesh, 10 April 1971 in 11 *IJIL* (1971) 547.
- Treaty Between the Government of the People's Republic of Bangladesh and the Government of the Republic of India on Sharing of the Ganga/Ganges Waters at Farakka, 1996.
- United Nations Convention on the Law of the Sea (UNCLOS), 1982, Article 18 (2).
- Vienna Convention on the Law of Treaties, 1969, Articles 53 and 64.

10. Evaluation and Weightage of different components of evaluation

There will be two written examinations of 40 marks each and a case study/written assignment/term paper of 20 marks.