

Public International Law

Vth Semester

Academic Session 2020-2021

Faculties- Sugandha and Abhishek

Credit: 5 Credit

Tentative Number of Online Classes: 51 hours

SYLLABUS★

Introduction- The Covid 19 Pandemic has magnified and exposed the structural fault lines in all societies around the world including in International Relations, and International Law is no exception to this phenomena. Many issues including the purpose of International Institutions and evaluation of their role in this crisis situation, State Responsibility for failure to inform and alert the World in time, Environment issues, Cross border issues including International Legal Education, International Trade relations including excluding/terminating contracts with companies of certain countries, Cybersecurity and Technology, rule of law, International Finance and Banking, Poverty & Homelessness and many more have taken centre stage. Is this crisis going to rewrite International Relations and International Law in the same way as did the World Wars? We may seek to introspect on this question by first understanding the Laws governing the sub structure itself, upon which the labyrinths of these interaction, inter relations happen.

Objectives- Public International Law being one of the foundational subjects in International Law, the course seeks to fulfill the following objectives in the light of current crisis:

- To provide preliminary understanding to students regarding history, structure, nature and efficacy of International Law
- To provide students with basic understanding of sources, subjects and objects of International Law
- To provide students with basic understanding of regimes governing treaty making in International law, governance of sea and resources therein
- To provide students with basic understanding of states and statehood, recognition of states, their succession, responsibility, settlement of disputes and use of force, relationship between International law and municipal Law

Modules	Chapters and Sub Topics	Readings/References	Teaching Method
Module I The Internatio	Chapter 1: Nature and History of International Law i. Definition and Scope of International Law	<i>Readings:</i> <i>Malcolm Shaw/S K Verma/Starke/Michael</i>	On line Lectures (4)

<p>nal Legal System</p>	<ul style="list-style-type: none"> ii. Nature, Basis, of International Law- iii. Is International Law weak Law? Dispelling Myths 	<p><i>D Evans; Bederman and Keitner, Brownlie, Harris Cases and Materials on International Law, Akehurst; Brownlie</i></p> <p>References: <i>B.S Chimni (third world approaches) Upendra Baxi (What may Third world Expect from International Law)</i> <i>Martti Koskenniemi: From Apology of Utopia, Politics of International law, Politics of International law 20 years later, Eurocentricism of International law; International Law and Empire: Historical Explorations (The History And Theory Of International Law), 2017;</i></p>	<p>Handout prepared from reading and reference list, Articles, Book chapters</p>
	<p>Chapter 2: Sources of International Law</p> <ul style="list-style-type: none"> i. Customs ii. Treaties <ul style="list-style-type: none"> ➤ Relationship between Treaties and Customs ii. Customs v. General Principles v. Other sources vi. Integrated view of all sources ii. VCLT (process of treaty making, application and interpretation, amendment, invalidity and termination) 	<p>Readings: <i>The Making of International Law by Alan Boyle and Christine Chinkin OUP, Malcolm Shaw/S K Verma/Starke/Michael D Evans; Browlie; Bederman and Keitner, Harris Cases and Materials on International Law, Akehurst, Modern treaty law and Practice by Anthony Aust, ICJ statutes, Vienna Convention on Law of Treaties, OECD Guidelines for Multinational Enterprises - OECD Recommendation on Combating Bribery, Handouts</i></p> <p>References: <i>Martti Koskenniemi: International Law Commission Report on identifying Customary International Law</i> http://legal.un.org/ilc/guide/1_13.shtml,</p>	<p>On line Lectures (9) Handout prepared from reading and reference list, Articles, Book chapters</p>
	<p>Chapter 3: International Dispute Resolutions</p> <ul style="list-style-type: none"> i. Negotiation, Conciliation and Arbitration ii. The World Court -ICJ iii. Remedies 	<p>Readings: <i>Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner, Browlie, Harris Cases and Materials on International Law, Akehurst, the UN charter, ICJ statute</i></p>	<p>On line Lectures (4) Handout prepared from reading and reference list, Articles, Book chapters</p>
<p>Module II: Subjects of International Law</p>	<p>Chapter 3: States, Recognition and Succession</p> <ul style="list-style-type: none"> i. State identity, Sovereignty and Legitimacy ii. Recognition iii. State Succession 	<p>Readings: <i>Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner, Brownlie, Harris Cases and Materials on International Law, Akehurst, Vienna Convention on Succession of States in respect of Treaties 1978, Vienna Convention on Succession of States in respect of State Property, Archives and Debts 1983, handout</i></p>	<p>On line Lectures (4) Handout prepared from reading and reference list, Articles, Book chapters</p>

	<p>Chapter 4: State Responsibility</p> <p>i. Substantive conditions and procedural aspects - Draft Articles on State Responsibility</p>	<p>Readings: <i>Draft Articles on State Responsibility and its Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner, Brownlie, Harris Cases and Materials on International Law, Akehurst, Handout</i></p>	<p>On line Lectures (2) Handout prepared from reading and reference list, Articles, Book chapters</p>
	<p>Chapter 5: International Organizations</p> <p>i. International Organizations as subjects of International Law ii. Institutional Liability</p>	<p>Readings: <i>Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner, International Law, Brownlie, Akehurst, Bowett's Law of International Institutions</i></p>	<p>On line Lectures (3) Handout prepared from reading and reference list, Articles, Book chapters</p>
	<p>Chapter 6: Individuals in International Law</p> <p>i. Nationality ii. Rights, Duties and Procedural capacity of Individuals under International Law iii. NGOs, Multi National Corporations?</p>	<p>Readings: <i>Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner, Harris Cases and Materials on International Law, Akehurst, Brownlie, handout</i></p>	<p>On line Lectures (2) Handout prepared from reading and reference list, Articles, Book chapters</p>
Module III: Objects of International Law	<p>Chapter 7: State Territory and Common Areas</p> <p>i. Territory ii. International Common Spaces</p>	<p>Readings: <i>Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner (handout), Harris Cases and Materials on International Law, Akehurst, Brownlie, handout</i></p>	<p>On line Lectures (2) Handout prepared from reading and reference list, Articles, Book chapters</p>
	<p>Chapter 8: Law of the Seas</p> <p>i. Ocean Resources and Law ii. Maritime Zones iii. Maritime delimitations</p>	<p>Readings: <i>Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner (handout), Harris Cases and Materials on International Law, Akehurst, Brownlie,</i></p>	<p>On line Lectures (6) Handout prepared from reading and reference list, Articles, Book chapters</p>
	<p>Chapter 9: Use of Force</p> <p>i. Self Help under International Law ii. Use of Force under the UN charter iii. Collective Security and iv. Peace keeping</p>	<p>Readings: <i>Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner (handout), Harris Cases and Materials on International Law, Akehurst, Brownlie,</i></p>	<p>On line Lectures (2) Handout prepared from reading and reference list,</p>

			Articles, Book chapters
Module IV: International Law and Domestic Law	Chapter 10: Relationship between International Law and Domestic Law i. Domestic Law in International Law ii. International Law in Domestic Law	<i>Readings: Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner (handout), Harris Cases and Materials on International Law, Akehurst, Brownlie, handout</i>	On line Lectures (3) Handout prepared from reading and reference list, Articles, Book chapters
	Chapter 11: Issues of Jurisdiction and State Immunity i. Theories of jurisdiction ii. Extradition iii. Asylum Treaty based diplomatic, consular and International organizations immunities iv. Act of state Doctrine	<i>Readings: Malcolm Shaw/S K Verma/Starke/Michael D Evans; Bederman and Keitner (handout), Harris Cases and Materials on International Law, Akehurst, Brownlie, Brownlie,handout</i>	On line Lectures (6) Handout prepared from reading and reference list, Articles, Book chapters
	Chapter 12: Contemporary Challenges i. Covid 19 ii. Water iii. Outer Space iv. Energy	To be shared	To be shared (4)

Suggested Documentaries/ Movies that may be watched

- 1) Amistad (US case *US vs Amistad*)
- 2) Zero Dark Thirty (Bin Laden)
- 3) The Interpreter (filmed in the UN)
- 4) Argo (Iran Hostage Crisis)
- 5) The Reader (War Crimes Trial in Germany)
- 6) Battle of Algiers (Algerian War of Independence)
- 7) Hotel Rwanda (true story on Genocide in Rwanda)
- 8) Woman in Gold (Nazi Art Theft, FSIA)
- 9) Captain Phillips (Piracy)
- 10) Blood Diamond (Conflict Diamonds)
- 11) Lord of War (Arms Dealing)
- 12) War Witch (Child Soldiers)
- 13) Star Wars (Trade Dispute prompts Armed Conflict in Outer Space)
- 14) Bridge of Spies (Cold War)
- 15) The Constant Gardener (Diplomacy, Pharmaceuticals, British High Commission in Kenya)
- 16) Judgment at Nuremberg (Nuremberg Trials)

- 17) The Reckoning (The ICC)
- 18) Last Station before Hell (UN peacekeeping)
- 19) Sons of the Clouds: The Lost Colony (Western Sahara)
- 20) The Gatekeepers (Shin Bet)
- 21) Taxi to the Darkside (Torture, Afghanistan)
- 22) All Rise (Jessup Competition)
- 23) Munich
- 24) In The Loop
- 25) In This World
- 26) The Ghost Writer
- 27) No Man's Land
- 28) Waltz with Bashir
- 29) Breaker Morant
- 30) The Boy in Striped pajamas (a film depicting WWII from a boy's perspective, whose father runs one of the camps).
- 31) The Wind that shakes the Barley (Irish Republicans in the early 20th century and the anti-brit rebellion)
- 32) Rabbit-proof fence (Australian film based on a true story of 2 Aboriginal girls escaping from an internment camp and walking 1500 miles to return to their Aboriginal family).
- 33) Hotel Rwanda (True story about the Tutsi & Hutu struggle/war in Rwanda).
- 34) Kandahar (A perilous journey of an Afgan woman living in Canada who tries to go back to Afganistan to prevent her sister's suicide).
- 35) The reluctant fundamentalist
- 36) The Whistleblower (2010); Human (2015); No Escape (2015); The Gunman (2015); 13 Hours (2016)
- 37) Bangladesh Independence, the role of India BBC
- 38) Apocalypse WW 2, 1-5 documentary
- 39) BBC documentary – British occupation of India
- 40) Shyam Benegal's Shatranj ke Khiladi
- 41) Chintu ka Birthday
- 42) Jojo Rabbit
- 43) Shows and documentaries on Netflix - including issues on child trafficking, refugees, inter country organ trading, international prostitution circuit, Tokyo trial, World War II documentaries etc

<https://legal.un.org/ilc/>

★The faculty reserves the right to bring modification in the syllabus and provide additional reading material if required.