



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.LL.B.(HONS.)**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER – ACADEMIC YEAR 2022-23**

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1.	904 IL SP V	INTERNATIONAL DISPUTE RESOLUTION BODIES - I	4		1	4	5

**A. CODE AND TITLE OF THE COURSE: 904 IL SP V INTERNATIONAL**

**DISPUTE RESOLUTION BODIES - I**

**B. COURSE CREDIT: 4 (TOTAL MARKS 100)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR. GITANJALI GHOSH**

**E. COURSE INSTRUCTOR: DR. GITANJALI GHOSH**

## **1. OBJECTIVE OF STUDY**

The objectives of the course, in particular, are as follows:

- To familiarize students with the dynamics of disputes under international law
- To acquaint students with the principles of international law that creates the obligation upon states to peacefully resolve international disputes
- To impart detailed knowledge on pacific, coercive, legal and judicial means for settlement of disputes

## **2. EXPECTED OUTCOMES OF THE COURSE**

At the completion of the course, it is expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary international disputes in the light of the concepts learnt
- Be able to articulate their ideas on the subject matter of the course and produce at least one research paper of publishable quality
- Desire to take up international law for further studies

## **3. DETAILED STRUCTURE OF THE COURSE**

### **Module 1**

- Fundamentals of Settlement of International Disputes
- Understanding International Disputes
- Legal and Political Disputes
- Means of Settlement of Disputes
  - Peaceful – Diplomatic and Judicial
  - Coercive
  - Institutional
- Principles of Settlement of Disputes
- Coercive Settlement of Disputes
  - Retortion
  - Reprisals
  - Embargo
  - Pacific Blockade
  - Intervention

## Module 2

### Peaceful Settlement of Disputes - Diplomatic Means of Settlement of Disputes

- Negotiation
  - Consultation
  - Forms of negotiation
  - Substantive aspects of negotiation
  - Negotiation and adjudication
  - Limitations of negotiation
- Good Offices
- Mediation
  - Mediators
  - Consent to mediation
  - Functions of mediation
  - The limits of mediation
- Inquiry
  - The 1899 Hague Convention
  - The *Dogger Bank* inquiry
  - Inquiries under the 1907 Hague Convention
  - Treaty practice 1911–40
  - The *Red Crusader* inquiry
  - The *Letelier and Moffitt* case
  - The value of inquiry

## Module 3

### Peaceful Settlement of Disputes – Diplomatic Means of Settlement of Disputes

- Conciliation
  - Emergence of conciliation
  - Work of commissions of conciliation
  - Practice of conciliation
  - Place of conciliation in modern treaty law
  - Significance of conciliation

### Peaceful Settlement of Disputes – Judicial Means of Settlement of Disputes

- Arbitration
  - Forms of arbitration

- The selection of arbitrators
  - Terms of reference
  - Basis of the decision
  - Effect of the award
  - Private international arbitration
  - The utility of arbitration
- Permanent Court of Arbitration
    - 1899 Hague Convention
    - 1907 Hague Convention
    - Organs
    - PCA Rules

#### Module 4

- Permanent Court of International Justice
  - Origin of the Court
  - Preparation and adoption of the Statute
  - Composition of the Court
  - Organization of the Court
  - Jurisdiction of the Court
  - Procedure of the Court
  - The rules of law applied
  - The role of the Court
  
- International Court of Justice
  - Contentious jurisdiction
  - Jurisdictional disputes
  - Incidental jurisdiction
  - Advisory jurisdiction
  - Membership of the Court
  - Chambers
  - The Court's decision
  - Extension of the Court's function
  - Legal and political disputes
  - The effect of judgments
  - The significance of the Court

#### **4. PRESCRIBED READINGS**

- J.G. MERRILLS, INTERNATIONAL DISPUTE SETTLEMENT (Cambridge University Press 2011).
- MALCOLM N. SHAW, INTERNATIONAL LAW (7th ed. Cambridge University Press 2014).
- MARTIN DIXON, TEXTBOOK ON INTERNATIONAL LAW (7th ed. OUP 2013).
- ANTONIO CASSESE, INTERNATIONAL LAW (OUP 2001).
- MALCOLM D. EVANS (ed), INTERNATIONAL LAW (4th ed. OUP 2014).

- ANTHONY AUST, HANDBOOK OF INTERNATIONAL LAW (2d ed. Cambridge University Press 2010).