



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.	905 IL SP VI	INTERNATIONAL DISPUTE RESOLUTION BODIES - II	4		1	4	5

A. CODE AND TITLE OF THE COURSE: 905 IL SP VI

INTERNATIONAL DISPUTE RESOLUTION BODIES - II

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. COURSE OBJECTIVES

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

- To familiarize students with the dynamics of disputes under international law
- To explain the role of United Nations and regional arrangement in peaceful settlement of disputes
- To analyse the dispute settlement mechanism under the regime governing the seas, space, trade and investment

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

Peaceful Settlement of Disputes – Institutional Means of Settlement of Disputes

- Procedure under the Charter of the United Nations
 - Role of Security Council
 - Investigation of disputes and determination as to whether a situation is in fact likely to endanger international peace and security
 - Recommendation to States parties to a dispute to settle their disputes by peaceful means
 - Relation to procedures under regional agencies or arrangements
 - Role of General Assembly
 - Discussion of questions and making recommendations on matters relating to the peaceful settlement of disputes
 - Recommendation of measures for the peaceful adjustment of situations
 - Role of Secretary-General
 - Functions of the Secretary-General in the implementation of the resolutions of other principal organs in the field of the prevention or settlement of disputes
 - Diplomatic functions

- Functions of the Secretary-General based on the powers expressly conferred upon him by the Charter

Module 2

Peaceful Settlement of Disputes – Institutional Means of Settlement of Disputes

- Procedure under Regional agencies or arrangements
 - Arab League
 - Organization of Islamic Cooperation
 - Organization of American States
 - African Union
 - Council of Europe
 - Association of Southeast Asian Nations

Module 3

- **International trade disputes**
 - General Agreement on Tariffs and Trade (GATT)
 - Articles XXII and XXIII
 - World Trade Organization (WTO)
 - Understanding on Rules and Procedures Governing the Settlement of Disputes
 - Consultation
 - Good Offices, Conciliation and Mediation
 - Panel Phase
 - Appellate Body Review
 - Remedies
 - Arbitration
- **International investment disputes**
 - International Centre for Settlement of Investment Disputes (ICSID)
 - Investor-State Dispute Settlement
 - ICSID's connection with the World Bank
 - Convention on the Settlement of Investment Disputes between States and Nationals of Other States
 - Administrative and Financial Regulations
 - Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings (Institution Rules)
 - Rules of Procedure for Conciliation Proceedings (Conciliation Rules)
 - Rules of Procedure for Arbitration Proceedings (Arbitration Rules)

Module 4

- **Dispute resolution under United Nations Convention on the Law of the Sea**
 - Principle of Compulsory Settlement
 - Exceptions to Principle of Compulsory Settlement
 - Conciliation
 - Arbitration
 - Special Arbitration
 - ITLOS
 - Sea-Bed Disputes Chamber

- **Dispute resolution under Space Law**
 - Cosmos 954 Incident
 - The Outer Space Treaty
 - The 1972 Liability Convention
 - International Inter-governmental Organizations and Bilateral Agreements
 - The 1998 ILA Draft Convention
 - PCA Outer Space Optional Rules

4. PRESCRIBED READINGS

- J.G. MERRILLS, INTERNATIONAL DISPUTE SETTLEMENT (Cambridge University Press 2011).
- BENEDETTO CONFORTI, THE LAW AND PRACTICE OF THE UNITED NATIONS (3d ed. Martinus Nijhoff Publishers 2005).
- DUNCAN FRENCH et al (eds), INTERNATIONAL LAW AND DISPUTE SETTLEMENT (Hart Publishing 2010).
- AUTAR KRISHEN KAUL, GUIDE TO THE WTO AND GATT (3rd edn, Satyam Law International 2012).
- FABIO TRONCHETTI, FUNDAMENTALS OF SPACE LAW AND POLICY (Springer 2013).