



**South Asian University
Faculty of Legal Studies**

**LLM First Semester 2026
Course Information**

Part I

Course Title	International Law
Course Code	LW501
Course Instructor	Prof. Ravindra Pratap
Course Duration	One semester
Course Units	4
Medium of Instruction	English
Prerequisites	Nil
Precursors	Nil
Equivalent Courses	N/A

Part II

Course Description

The course will introduce public international law and focus on its essentials with an emphasis on the problem-solving approach and special reference to the South Asian countries. It will begin with an introduction to the classical/traditional approaches to international law and understand its nature and functions. It will then look into the processes and institutions of international law formation, including proof, methods and the incidence of the burdens of proof of custom, and other sources and decisional considerations, the treatment of domestic law by international courts and tribunals and the processes, forms and consequences of the reception of international law into municipal law considering the practices of representative countries, including the South Asian Countries, the key principles of international law, including equal rights and self-determination of peoples, non-use of force and non-intervention, and the basics of state responsibility before introducing key historical and contemporary international law issues in South Asia, such as boundaries and water-sharing and the evolving forms and manifestations of the use of force and terrorism.

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.

Course Outcomes

Successful completion of the course should enable the student to understand the nature and functions of international law with an introduction to classical/traditional conceptions and key contribution of Asian states in the development of international law, appreciate the processes of and institutions involved in the formation of international law and the issues of their hierarchy, relative normativity and systematicity, explain the interaction of international law and municipal law of the South Asian countries and the spheres of their discernibly more relevant interface, understand the importance of the basic principles of international law, acquire the essential knowledge of the law of state responsibility, demonstrate the relevance of international law to the contemporary developments at the international, regional and national levels, and make an informed choice of the theoretical knowledge and apply the critical thinking for finding solutions to international law problems, particularly major international law issues in South Asia.

Course Contents

Week 1

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.

Required Reading

Peter Malanczuk, *Akehurst's Modern Introduction to International Law* (Routledge 1997) 1–2, 3–6, 15–17 OR M N Shaw, *International Law* (Cambridge 2003) Chapter 1 OR I A Shearer, *Starke's International Law* (Oxford 2007) Chapter 1.

Supplementary Readings

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

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

Further Readings

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

C G Weeramantry, 'International law and Developing World: A Millennial Analysis' (2000) 41 Harvard International Law Journal 277.

Antônio Augusto Cançado Trindade, *International Law for Humankind: Towards a New Jus Gentium* (Martinus Nijhoff 2013).

Weeks 2–4

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.

Required Readings

Charter of the United Nations, Articles 1, 24, 39, 41, 42, 103.

Statute of the International Court of Justice, 1945, Articles 38, 59.

Vienna Convention on the Law of Treaties, 1969, Articles 2, 7, 34, 38, 46, 53, 64.

Statute of the International Law Commission, 1947, Articles 16–24.

Supplementary Readings

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

Asylum Case (Columbia/Peru), Judgment [1950] ICJ Rep 266.

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

Right of Passage over Indian Territory, Judgment [1960] ICJ Rep 6.

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

James Crawford, *Brownlie's Public International Law* (Oxford 2019) Chapter 2.

Further Readings

UN General Assembly Resolution ES-11/1 (18 March 2022).

UN General Assembly Resolution 377 (V) A (3 November 1950).

UN Security Council Resolutions 1373, 1540 and 2178.

Frontier Dispute (Burkina Faso/Mali), Judgment [1986] ICJ Rep 554.

Case Concerning the Temple of Preah Vihear (Cambodia v Thailand) [1962] ICJ Rep 6.

Fisheries Case (United Kingdom v Norway) [1951] ICJ Rep 116.

Corfu Channel (Merits), Judgment [1949] ICJ Rep 4.

ILC Identification of Customary International Law: Text of the Draft Conclusions Provisionally Adopted by the Drafting Committee, UN Doc. A/CN.4/L.872 (2016).

M Akehurst, 'The Hierarchy of the Sources of International Law' (1975) British Yearbook of International Law (1975) 273.

Weeks 5–7

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.

Required Readings

Draft Declaration on Rights and Duties of States, 1949.

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.

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.

Vishakha and Ors. v State of Rajasthan and Ors., AIR 1997 SC 3011.

Supplementary Readings

Exchange of Greek and Turkish Populations (1925) PCIJ Series B, No. 10.

R v Jones and Others, Judgment of the House of Lords, 29 March 2006 [2006] UKHL 16.

The Paquete Habana, 175 U.S. 677 (1900).

Sei Fujii v State of California (1952) 38 C2d 718.

Atala Riffo and Daughters v Chile, Judgment of the Inter-American Court of Human Rights, dated 24 February 2012.

James Crawford, *Brownlie’s Public International Law* (Oxford 2012) Chapter 3.

Further Readings

The Constitution of Afghanistan, Article seven, ninety.

The Constitution of the People's Republic of Bangladesh, Articles 25, 145A.

The Constitution of the Kingdom of Bhutan, Articles 24, 25.

The Constitution of India, Articles 51, 73, 246, 253, Seventh Schedule, List 1, Entry 14.

The Constitution of the Republic of Maldives, Articles 68 and 93.

The Constitution of Nepal, Article 51.

The Constitution of the Islamic Republic of Pakistan, Article 97, Fourth Schedule.

The Constitution of the Democratic Socialist Republic of Sri Lanka, Article 27, 157.

Nallaratnam Singarasa v Attorney-General, Decision of the Supreme Court of Sri Lanka, 15 September 2006.

Union of India v Azadi Bachao Andolan, AIR 2004 SC 1107.

Hugh Thirlway, 'Concepts, Principles, Rules and Analogies: International and Municipal Legal Reasoning' (2002) 294 *Hague Recueil* 265.

V Fikfak, 'International Law before English and Asian Courts: Finding the Judicial Role in Separation of Powers', 3 *Asian Journal of International Law* (2013) 271.

Weeks 8–10

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.

Required Readings

Charter of the United Nations, 1945, Articles 1, 2, 103.

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.

Supplementary Readings

International Covenant on Civil and Political Rights, 1966, Article 1.

Vienna Convention on the Law of Treaties, 1969, Articles 18, 26, 27.

Manila Declaration on the Peaceful Settlement of International Disputes, 1982.

UNGA Resolution A/RES/36/103: Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, 1981.

UNGA Resolution 1514: Declaration on the Granting of Independence to Colonial Countries and Peoples, 1960.

UNGA Resolution A/RES/3314: Definition of Aggression, 1974.

The Text of Proclamation of Independence of Bangladesh, 10 April 1971 in 11 IJIL (1971) 547.

Accordance with International Law of the Unilateral Independence in respect of Kosovo, Advisory Opinion [2010] ICJ Rep 403.

Case Concerning the Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v United States of America) (Merits) [1986] ICJ Rep 14.

Nuclear Tests [1974] ICJ Rep 253.

V S Mani, *Basic Principles of Modern International Law* (Lancer 1993).

Further Readings

Convention for the Pacific Settlement of International Disputes, 1907.

International Covenant on Civil and Political Rights, 1966, Article 1.

UNSC Resolutions 487 (1981), 678 (1990), 1483 (2002).

Law of Transboundary Aquifers, UN GA Res. 63/124, dated 15 January 2009, Article 7.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion) [1971] ICJ Rep 16.

East Timor (Portugal v Australia) [1995] ICJ Rep 90.

Legality of the Threat or Use of Nuclear Weapons [1996] ICJ Rep 226.

Western Sahara, Advisory Opinion [1975] ICJ Rep 6.

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory [2004] ICJ Rep 136.

Legality of Use of Force (Yugoslavia v United States of America (Provisional Measures)), Order of 2 June 1999 [1999] ICJ Rep 916.

Reference re Secession of Qubec [1998] 2 SCR 217.

A A Cançado Trindade, *International Law for Humankind: Towards to a New Jus Gentium* (Brill 2010) Chapter III (Foundations of International Law: The Role and Importance of Its Basic Principles) 85.

G Schwarzenberger, "The fundamental principles of international law" (1955) 113 *Hague Recueil* 195.

Weeks 11 and 12

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.

Required Readings

Responsibility of States for Internationally Wrongful Acts, 2001, Text adopted by the International Law Commission in its Fifty-Third Session, 2001.

Ian Brownlie, 'The Responsibility of States for the Acts of International Organizations' in Maurizio Ragazzi (ed), *International Responsibility Today: Essays in Memory of Oscar Schachter* (Martinus Nijhoff 2005) 343.

Supplementary Readings

Vienna Convention on the Law of Treaties, 1969, Articles 53 and 64.

United Nations Convention on the Law of the Sea (UNCLOS), 1982, Article 18 (2).

WTO Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994, Articles 3 (7) and 22 (6).

LaGrand (Germany v United States of America), Provisional Measures [1999] ICJ Rep 9.

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

Vaughan Lowe, 'Precluding Wrongfulness or Responsibility' (1999) 10 EJIL 405.

Further Readings

Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area, Advisory Opinion, Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, Case No 17, 1 February 2011, (2011) 50 ILM 458.

Obligations of States in Respect of Climate Change, Advisory Opinion, ICJ, 23 July 2025.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), Judgment [2007] ICJ Rep 43.

Legality of the Threat or Use of Nuclear Weapons [1996] ICJ Rep 226.

Corfu Channel, Merits, Judgment [1949] ICJ Rep 4.

Prosecutor v Duško Tadić, International Tribunal for the Former Yugoslavia, Case IT-94-1-A (1999), 38 ILM (1999), 1541.

Vladyslav Lanovoy, 'The Use of Force by Non-State Actors and the Limits of Attribution of Conduct' 28 EJIL (2017) 587.

Chittharanjan Felix Amerasinghe, 'The Essence of the Structure of International Responsibility' in Maurizio Ragazzi (ed), *International Responsibility Today: Essays in Memory of Oscar Schachter* (Martinus Nijhoff 2005) 3.

Weeks 13 and 14

6. Introduction to select international law issues in South Asia: boundaries, the fishermen issue; water-sharing, water resource management; use of force; terrorism; appraisal.

Required Readings

UN Charter, Articles 1 and 2.

SAARC Regional Convention on Suppression of Terrorism, 1987.

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

Supplementary Readings

UN Security Council Resolution 1373.

The Indus Waters Treaty, 1960.

In the matter of an Arbitration before the Court of Arbitration Constituted in Accordance with the Indus Waters Treaty 1960 between Islamic Republic of Pakistan and the Republic of India, Award of the Competence of the Court, Permanent Court of Arbitration, 6 July 2023.

S M A Salman and K Uprety, *Conflict and Cooperation on South Asia's International Rivers: A Legal Perspective* (World Bank 2002) Chapter 1.

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.

Further Readings

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.

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.

Mahakali Treaty between India and Nepal, 1996.

Bay of Bengal (Bangladesh v India) Arbitration, Permanent Court of Arbitration, Award of 7 July 2014.

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.

Ravindra Pratap, 'India-Bangladesh Maritime Boundary Award' (2015) *LAWASIA Journal* 1.

Teaching Method

The course will be offered using a combination of lectures and class discussions. The students are expected to prepare and debate the course materials in the class.

Assessment Method

There will be written examinations and a case study/written assignment/term paper.