**NIRMA UNIVERSITY**

**INSTITUTE OF LAW**

**Certificate Course Public International Law**

**As a part of the Centre for Continuing Education (CCE)**

**Hours: 30**

**Introduction**

The end of the Cold War around 1989 changed the course of international law which created a new international legal order. International law is a dynamic subject, which has seen dramatic changes in the 20th Century. The movement of decolonization resulting in the emergence of newer independent states and the emergence of the UN is the cause behind the change. This apart, instances of non-compliance with international Rule of Law by powerful States have indeed questioned the validity or relevance of this branch of law. To add up to the woes, International Law is also caught in the turf over the north-south divide, where the voices of the so called third world States’ voices are seldom heard. Given this introduction, the course has been formulated having the following objectives in mind**:**

**COURSE LEARNINNG OUTCOMES:**

The course is designed to just give a basic understanding of the subject. This subject would moreover act as a foundational subject of other branches of International Law International Law like International Human Rights Law, Maritime Law, and Law Relating to Outer Space etc. This course would also give a basic orientation to students intending to participate in International Moot Court Competitions. At the end of the course the students will be able to:

1. Understand the theoretical underpinnings of the subject which includes principles, theories, doctrines that have contributed to the growth and development of International Law;
2. Develop clear insights into contemporary issues of international law and politics;
3. Develop research aptitude in Public International Law and contribute to the overall development of international law;
4. **Nature, Scope and Functions of Public International Law** 
   1. International Law as “Law”
   2. Concept of State Sovereignty under International Law
   3. The Growth and Development of International Law
5. **Subjects of International Law:** 
   1. International Personality-An Introduction
   2. “States” as Traditional Subjects of International Law
   3. “Other Subjects of International Law”: International Organizations (UN etc.,), Belligerents, Insurgents, Multinational Corporations etc.
6. **Sources of International Law[Article 38of ICJ Statute]**
   1. Traditional Sources: Customary International Law-Meaning of Sources-Its Classification
   2. Modern Sources: Treaties, Declarations, Resolution etc., General Principles of Law, Judicial Decisions
   3. Hard Law Soft Law Difference
   4. *Jus Cogens*
7. **Relationship between International Law and Municipal Law**

4.1. Monism, Dualism and Other Theories

4.2. Municipal Law in International Law

4.3. International Law in Municipal Law

1. **State Jurisdiction** 
   1. Domestic jurisdiction v. international jurisdiction?
   2. Principles of exercise of domestic jurisdiction:

* Territoriality
* Nationality
* Protective Principle
* Passive Personality
* Universal Jurisdiction
  1. Extradition, Asylum, Rendition and Refugees
  2. Jurisdictional immunities –Sovereign Immunity, Diplomatic and Consular Immunity

1. **State Recognition and State Succession**
   1. Succession of States and Governments-Theories Involved
   2. Legality of governments – Concept of international legality – Estrada, Stimson, Monroe doctrines.
   3. State Succession
   4. Problems of succession-Vienna Conventions on State Succession (Treaties, State Property, Archives and Public Debts)
   5. State Succession and Self-Determination
2. **International Responsibility of States**

* 1. Nature of State Responsibility
  2. ILC Articles on International State Responsibility
  3. Rules of attribution of liability
  4. Responsibility for acts of state – legislature, executive, judiciary
  5. Responsibility of state for acts of its nationals
  6. Exclusion of liability (Justifications)
  7. Sanctions, Counter-measures and Blockade
  8. Nationalization of foreign property (Expropriation)

1. **Law of Treaties (Vienna Convention on the Law of Treaties, 1969)**
   1. Different Stages of Treaty Making & Treaty Interpretation Process
   2. Treaty making – defining a treaty
   3. Signature, ratification / accession
   4. Reservations, compatibility with objects and purposes, Article 19
   5. Unilateral termination of treaties, Article 60
   6. Treaties and customary law – Article 26
2. **Peaceful Settlement of International Disputes: Role of ICJ** 
   1. Role of the UN and its Organs-General Assembly and Security Council
   2. International Dispute Settlement- Definition
   3. Jurisdiction of ICJ
   4. General Functioning of the ICJ

**Target Audience:** Any student who is pursuing an undergraduate degree in law or management.

**Batch Size:** Batch Size will be a maximum of 20 students only.

**Duration of the Course:** 3 Hours per week for 10 weeks[Weekdays/Weekends].

**Course Co-Cordinator:** Mr. U. Varadharajan, Assistant Professor, Institute of Law, NIRMA UNIVERSITY.

**Registration and Course Fees:**

* Rs.2,500/- for students of ILNU
* Rs.3,500/- for other Students

Students can register themselves with Dr. Harmik Vaishnav, Co-Ordinator, CCE, Institute of Law, Nirma University or e-mail him at [harmik.vaishnav@nirmauni.ac.in](mailto:harmik.vaishnav@nirmauni.ac.in)

Registration will be first come first serve basis. The Registration fees can be paid in cash or cheque in the name of ‘Centre for Continuing Education’, Nirma University.

**Modality of the Course:** All the sessions of the Course shall be taught by lecture method (Videos shall be used depending upon the necessity). Hypothetical problems to be solved during the classes or shall be given at the end of each session as Take Home Exercises.

Soft Copies of Reading Material will be provided.

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