



THE INDIAN ACADEMY OF INTERNATIONAL LAW AND DIPLOMACY



An organ of
**THE INDIAN SOCIETY
OF INTERNATIONAL LAW**



The Indian Society of International Law

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I INTRODUCTION

The Indian Society of International Law (the Society), a premier national institution for the promotion of international law, teaching and research was established in 1959, primarily due to the efforts of V.K. Krishna Menon and was inaugurated in the same year by the then Prime Minister Jawaharlal Nehru. The Society has on its rolls honorary members who are distinguished international jurists. Judge Radha Binod Pal, Dr. K. Krishna Rao, Judge Nagendra Singh and numerous other international lawyers of eminence have served the Society at one time or the other.

In the year 1960, the Society started publishing *Indian Journal of International Law*, a quarterly journal, recognised and acknowledged worldwide. In 2001, the Society started publishing *ISIL Year Book of International Humanitarian and Refugee Law* focusing on the development of International Humanitarian Law (IHL) and Refugee Law. In addition to these two publications, the ISIL has started publication of a quarterly *Newsletter*. The ISIL has also published and continue to publish several books and monographs on international law.

The Indian Academy of International Law and Diplomacy (the Academy), the teaching wing of the Society, was founded in October 1964 to further the objective of dissemination of knowledge of International Law. It is a matter of pride for the Academy that its post-graduate diploma courses are not only rated highly in India but also throughout the world. The course offered by the Academy covers a wide range of topics. The Academy offers Post-Graduate Diploma courses of the duration of one academic year in *International Law & Diplomacy*, *Law of International Institutions*. Encouraged by the success of these courses, the Academy has introduced Post-Graduate Diploma courses in *Human Rights and International Humanitarian and Refugee Laws* and *International Trade and Business Law* from the year 1999. The Academy also offers six month certificate courses in *International and National*

Intellectual Property Rights Law, International and National Environmental Law, Law of Air Transport and Aviation Liability and Private International Law. The classes are held in the evening from 6.00 PM to 7.30 PM on weekdays. The students of the Academy comprise of lawyers, law students, government officials, business executives and junior diplomats from various embassies. The Academy strives to impart knowledge on legal problems involving the interests of developing countries of Asia, Africa, Latin America and Oceania. The Academy takes particular care to acquaint the students with international treaties, diplomatic communication, statutory enactments and judicial decisions.

The teaching staff of the Academy consists of the faculty members of Delhi University, Jawaharlal Nehru University, Indian Society of International Law, officers of the Legal and Treaties Division of Ministry of External Affairs and other experts from various national and international organisations. In addition, special and guest lectures are arranged and delivered by officials and others associated with the decision-making and policy implementing bodies.

More than 5000 students have availed themselves of the diploma and certificate courses conducted by the Academy so far. The response of the students and their enthusiasm encouraged the Academy to institute the V.K. Krishna Menon Memorial Prize to be awarded to the best student of the one-year diploma course in each course conducted by the Academy. In year 2008 the Society instituted three independent awards in the name of legal luminaries who had served the Society in various capacities. The awards are as follows:

- (a) Judge Nagendra Singh Memorial Award for PG Diploma in International Human Rights, Humanitarian and Refugee Laws
- (b) Krishna Rao Memorial Award for PG Diploma in International Trade and Business Law
- (c) M.K. Nawaz Memorial Award for PG Diploma in International and National Intellectual Property Rights.

The Indian Academy of International Law & Diplomacy offers one year Post-Graduate Diploma in the following courses:

1. International Law, Law of International Institutions & Diplomacy;
2. Human Rights, International Humanitarian & Refugee Laws;
3. International Trade and Business Law;
4. International Law;
5. Law of International Institutions;
6. International and National Intellectual Property Laws; and
7. Environmental Laws;

The last two courses (No. 4 and 5) are affiliated to the Department of Political Science, University of Delhi. The students who enroll themselves for these courses are required to attend classes at ISIL regularly but the question papers for the examinations are to be set by the University of Delhi and the students have to appear for the examination at the University of Delhi campus.

The Academy also offers six month Certificate Courses in:

1. Law of Air Transport and Aviation Liability; and
2. Private International Law.

II THE INDIAN ACADEMY OF INTERNATIONAL LAW AND DIPLOMACY RULES AND REGULATIONS

A. Rules and Regulations for the Diploma and Certificate Courses

- (i) *Eligibility for Admission* - For the Post-Graduate Diploma and Certificate Courses, the requirement is a Bachelor's degree from a recognised University. A degree in law/commerce/business management is desirable for students interested in pursuing the course in International Trade and Business Law. The Academy reserves the right to relax this requirement if it is satisfied that the practical professional experience of the applicant is adequate to make up this eligibility requirement.
- (ii) *Course of Study* - The syllabus for the course of study will be prescribed from time to time. The current syllabus is given in this Prospectus.
- (iii) *Schedule for the Classes* – Instructions: The Diploma and Certificate Courses are conducted on weekdays from 6 p.m. to 7.30 p.m. as per the following schedule:

Post-Graduate Diploma Course in International Law & Diplomacy: (Three days in a week);

Post-Graduate Diploma Course in International Trade and Business Law: (Three days in a week);

Post-Graduate Diploma Course in Human Rights, International Humanitarian & Refugee Laws: (Three days in a week);

The duration of all Certificate Courses are six month. They are conducted two days in a week.
- (iv) *Medium of Instruction and Examination* - The medium of instructions and examinations shall be English.
- (v) *Attendance*–Candidates are required to attend not less than 2/3rd of the lectures. The Secretary-General/Director of the Academy may, at his discretion, condone the deficiency in attendance

only on the compassionate grounds, provided that representation supported by documentary evidence is submitted.

- (vi) *Evaluation*–The evaluation process of these courses consists of:
 - (a) Examination at the end of academic session.
 - (b) Assignments: Every candidate is required to submit an assignment in each of the prescribed papers. The candidate is free to select a topic of his own choice from the prescribed course content.
 - (c) Attendance & class participation.

The mark allocated for examination is 50% and for assignments, attendance and class participation is 50%.
- (vii) *Discipline*: The Secretary-General/Director of the Academy has the power to strike off the name of any student from the roll who is grossly irregular in attendance, or wanting in discipline in spite of warning.
- (viii) *Grading Pattern*

Percentage Range	Grade	Class/Division
70%+	A+	Honours/Distinction
65-69%	A	First Division
60-64%	A-	""
55-59%	B+	Second Division
50-54%	B	Second Division
Less than 50%	F	Fail

B. Rules Relating to the Post-Graduate Diploma and Certificate Courses Examination

- (i) Every candidate for the Diploma and Certificate courses is required to submit an assignment for each paper before the end of the course work. Depending upon the availability of time the students may also be asked to present these assignments before the class.
- (ii) Every candidate of the Diploma Course is required to appear for an examination in the papers as given in the course content.

- (iii) The examination in each paper shall be of three hours duration.
- (iv) The candidate appearing for the examinations shall be bound by the prescribed rules of examination.
- (v) The minimum marks required to pass the examination in each paper shall be 50%. A student who has passed the examination with at least 60% of aggregate marks shall be placed in the First Division. A student who secures 75% will be declared to have passed in First Division with Distinction. All other candidates who have secured the minimum qualifying marks will be placed in the Second Division.
- (vi) The Examination Committee may grant grace marks upto 5% in appropriate situations.
- (vii) No candidate may appear for the Diploma Examination more than twice and a candidate must pass the examination within four years from his first admission to the respective Diploma Course.
- (viii) Candidates who have failed in the examination, or failed to appear in the examination after having put in the requisite attendance, may be allowed to appear in the subsequent examinations only on their being enrolled as ex-students.
- (ix) Notwithstanding anything contained herein, any matter requiring expeditious disposal to cover situations affecting students will be decided by the Examination Committee constituted for this purposes by the Secretary-General, and its decision will be final.

C. Course Fees

Fees for the International Trade and Business Law Course

Registration Fee	Rs. 100/-
Tuition Fee	Rs. 10,000/-
Library Deposit (Refundable)	Rs. 1,500/- (optional)
Library Fee	Rs. 500/- per annum
Examination Fee	Rs. 500/- (for all papers)
For one paper	Rs. 200/-

For more than one paper	Rs. 500/-
Marks Sheet	Rs. 50/-

Fees for the International Law & Diplomacy Course

Registration Fee	Rs. 500/-
Tuition Fee	Rs. 5,000/-
Library Deposit (Refundable)	Rs. 1,500/- (optional)
Library Fee	Rs. 500/- per annum
Examination Fee	Rs. 800/- (for all papers)
For one paper	Rs. 500/-
For more than one paper	Rs. 1000/-
Marks Sheet	Rs. 200/-

Fees for the Courses Affiliated with the University of Delhi

Registration Fee	Rs. 7/-
Tuition Fee	Rs. 1,500/-
Enrolment Fee	Rs. 100/-
University Development Fee	Rs. 300/-
Library Fee	Rs. 500/- per annum
Library Deposit (Refundable)	Rs. 1,500/- (optional)
Examination Fee	Rs. 180/- (for all papers)
Marks Sheet	Rs. 50/-

Fees for the Human Rights, International Humanitarian and Refugee Law Course

Registration Fee	Rs. 500/-
Tuition Fee	Rs. 4,000/-
Library Deposit (Refundable)	Rs. 1,500/- (optional)
Library Fee	Rs. 500/- per annum
Examination Fee	Rs. 800/- (for all papers)
For one paper	Rs. 500/-
For more than one paper	Rs. 1000/-
Marks Sheet	Rs. 200/-

Fees for the Intellectual Property Rights Course

Registration Fee	Rs. 500/-
Tuition Fee	Rs. 6000/-
Library Deposit (Refundable)	Rs. 1,500/-
Library Fee	Rs. 200/- per annum
Examination Fee	Rs. 800/- (for all papers)
For more than one paper	Rs. 1000/-
For one paper	Rs. 500/-
Marks Sheet	Rs. 200/-

Fees for the Environmental Law Course

Registration Fee	Rs. 500/-
Tuition Fee	Rs. 5000/-
Library Deposit (Refundable)	Rs. 1,500/-
Library Fee	Rs. 500/- per annum
Examination Fee	Rs. 800/- (for all papers)
For one paper	Rs. 500/-
For more than one paper	Rs. 1,000/-
Marks Sheet	Rs. 200/-

D. Award

V. K. Krishna Menon Memorial Prize in International Law and Diplomacy

The Academy will award a prize to the candidate who obtains the highest aggregate percentage of marks in the Academy's Diploma Examination in International Law and Diplomacy in the first division with 60 per cent marks and above. The prize is known as V.K. Krishna Menon Memorial Prize.

If no candidate is found eligible for the above mentioned award, the Academy will not award the prize for that year.

The Academy shall award the candidates securing highest marks in other courses also on similar conditions.

III COURSE OUTLINES

1. INTERNATIONAL LAW AND DIPLOMACY

INTRODUCTION

A study of the international legal rules and principles binding on states and other International person in their mutual relation is essential in contemporary world. International Law is founded primarily by state parties and custom. It is also referred to as the Law of Nations. Modern International Law is linked to the evolution of the modern territorial states system, which emerged in Western Europe in the sixteenth and seventeenth centuries. Some of its rule, therefore, come under the increasing challenge from the non-western world where many independent states emerged after world war II. However, it must be stressed that both categories of states accept and approve in principle the traditional system of international law.

A great churning is taking place in the global life since 1990's, particularly, increased globalisation and centralised decision making on global issues through WTO and other such bodies have left their indelible mark on the very process of International Law making and there is hardly any aspect of national or individual life that is unaffected by the emerging International Law. The Post Graduate Diploma in International Law, Law of International Institutions and Diplomacy, covers all the critical developments, from early 16th century till date, in the field of international law.

The course has been revised on several occasions to incorporate the latest developments taking place in the contemporary world.

Paper I: International Law

1. Perspectives on International Law
 - (a) Origin and Nature
 - (b) Is International Law, "Law"?

- (c) Theories and Bases of International Law
 - (d) Asian-African Contribution to the Development of International Law. Attitude of Asian-African Countries towards Modern International Law
2. Sources of International Law
 - (a) Treaties and Conventions
 - (b) Customary Principles of International Law
 - (c) General Principles of International Law
 - (d) Judicial Decisions and Juristic Writings
 - (e) General Assembly Resolutions
 - (f) Non-Governmental Bodies and International Law Making
 - (g) Codification and Progressive Development of International Law
 3. Subjects of International Law
 - (a) International Personalities
 - (b) States as Primary Subjects
 - (c) Status of Individuals under International Law
 - (d) Other entities- International Organisations, Colonial Territories, MNCs
 4. Sovereign Equality of States in International Law
 - (a) Concepts of Sovereignty
 - (b) Contemporary Doctrinal Developments
 - (c) Equality of States under International Law
 - (d) Equality under UN Charter
 5. Relationship between International Law and Municipal Law
 - (a) Theories
 - (b) State Practice — UK, USA, India
 - (c) Extra — Territorial Application of Municipal Law
 6. Recognition of States and Governments
 - (a) Doctrines
 - (b) *De facto* and *De jure*
 - (c) Legal Effects of Recognition
 7. State Jurisdiction
 - (a) Territory: Acquisition and Loss of Territory
 - (b) Principle of Exercise of Jurisdiction
 - (c) Special Aspects:
 - (i) Criminal Jurisdiction, Hijacking, Extradition and Asylum
 - (ii) Law of the Sea
 - (iii) Air Law — Sovereignty in Air Space, Freedoms and Liability
 - (iv) Outer Space and Antarctic
 - (v) State Immunity and Diplomatic Immunity
 8. State Succession
 9. State Responsibility
 - (a) Elements of International Responsibility
 - (b) Concept of 'Denial of Justice' by a State
 - (c) State Responsibility in Respect of the Protection of Lives and Property Claims
 - (d) Nationality of Claims
 - (e) Exhaustion of Local Remedies: the Calvo Clause
 - (f) The Theory of Permanent Sovereignty over Natural Resources
 - (g) Attempts at Codification of the Law of State Responsibility
 10. Law of Treaties
 - (a) Vienna Convention on the Law of Treaties
 - (b) State Practice — India, Interpretation of Treaties by Indian Courts
 11. Environmental Law
 12. The Legality of War and Use of Force
 - (a) Outlawry of War — Historical Evolution
 - (b) Position within the UN Charter
 - (c) Definition of Aggression
 - (d) The Legality of Use of Nuclear Weapons
 13. Non — Intervention
 14. Peaceful Settlement of International Disputes
 - (a) UN Charter
 - (b) Friendly Relations Declaration, 1970
 - (c) International Arbitration and the International Court of Justice
 15. Sanctions of International Law
 - (a) Reciprocity

- (b) International Organisation
- (c) International Criminal Court and the Rome Statute
- (d) Unilateral Sanctions – Legality

Paper II. Law of International Institutions

1. Introduction
 - (a) Genesis, Nature of International Institutions and their Place in the Contemporary World
 - (b) Definition and Classification of International Organisations
 - (c) Role and Functions
 - (d) Approaches to International Organisations
2. Developments in the 19th Century
 - (a) The Concert of Europe
 - (b) The Hague Conferences, 1899 and 1907
 - (c) Public International Unions
3. League of Nations
 - (a) Constitutional Framework
 - (b) Structure and Functions
 - (c) Role in Major Challenges to Collective Security
 - (d) Mandate System
 - (e) Overall Assessment
4. United Nations – Constitutional Issues
 - (a) Sources of the Charter
 - (b) Nature of the Charter – Treaty or Constitution?
 - (c) Purpose and Principles
 - (d) Membership
 - (e) Domestic Jurisdiction
 - (f) Self-Defence
5. United Nations – Structural Issues
 - (a) Principal Organs and their powers
 - (b) Relationship between the General Assembly and the Security Council
 - (c) Uniting for Peace Resolution
 - (d) Structural and Institutional Reforms
6. United Nations – Peace and Security

- (a) Limitation of Use of Force
 - (b) Pacific Settlement of Disputes
 - (c) Attempts in Collective Security- From Korean Crisis to Gulf Crisis
 - (d) Evolution of Peacekeeping Operation – First and Second Generations
7. United Nations- Inter Linking of Issues
 - (a) Decolonisation
 - (b) Development Concerns of Third World
 - (c) Disarmament
 8. International Economic/Financial Institutions
 - (a) UN Development Programme (UNDP)
 - (b) General Agreements on Tariffs and Trade (GATT) and World Trade Organisation (WTO)
 - (c) UN Conference on Trade and Development (UNCTAD)
 - (d) UN Commission on International Trade Law (UNCITRAL)
 - (e) International Monetary Fund (IMF)
 - (f) World Bank (IBRD)
 9. International Social and Humanitarian Organisations
 - (a) International Labour Organisation (ILO)
 - (b) United Nations Educational, Scientific and Cultural Organisation (UNESCO)
 - (c) UN High Commissioner for Refugees (UNHCR)
 - (d) International Red Cross Committee (ICRC)
 10. Regional Organisations
 - (a) European Community/Union
 - (b) North Atlantic Treaty Organisation (NATO)
 - (c) African Union
 - (d) South Asian Association for Regional Cooperation (SAARC)
 - (e) Organisation of American States
 11. Future of International Institutions

Paper III. International Relations and Diplomacy

1. Introduction to Diplomacy

- (a) Definitions, Concepts and Features.
 - (b) Its contribution to practice of international relations.
 - (c) Diplomacy and Foreign Policy.
 - (d) Meanings of state, sovereignty, anarchy, international system, balance of power, polarity.
2. Conceptual and Practical History
- (a) Tribal Origins – the Greeks – the Renaissance – Italian City States – Machiavellian contribution -- Richelieu and French contribution to *raison d'état* and balance of power – the Thirty Years' War and the Treaty of Westphalia.
 - (b) Oriental Heritage – Mythological references – Kautilya – Ashoka's Envoys – the Chinese tradition – Indonesia Mussawarah.
 - (c) Golden Age of Classical or Old Diplomacy – diplomacy for status quo -- the Concert of Europe – the Alliance System – diplomacy for change – Italian and German unifications – personalities – Metternich, Cavour, Bismarck.
 - (d) New Diplomacy – collapse of balance of power in Europe and the First World War -- the Russian Revolution – Wilsonian Idealism of 'open diplomacy' – Idealist interwar diplomacy – League experiment – Appeasement -- Stalin, Hitler and Western democracies – Second World War.
 - (e) Diplomacy in the Postwar world – creating the United Nations – Bretton Woods institutions – America and the reconstruction of Western Europe – diplomacy in the service of Containment – military alliances – war in the Third World.
 - (f) Total Cold War – Détente – accommodation – brinkmanship – collapse of the Soviet Union and the end of the Cold War.
 - (g) Post Cold War – visions of the emerging world order – End of History? – Clash of Civilizations? – Back to the Future? – American Hegemony?
 - (h) Diplomacy in a uni-multi-polar world – prevention and preemption – humanitarian intervention and war against terrorism. Crisis of Diplomacy?
3. Third World Diplomacy
- (a) Decolonization and new sovereign states – burden of sovereign existence – diplomatic options – alliance versus Non Alignment – North-South divide in numerous arenas.
4. Indian Experiences and Experiments
- (a) Change and continuities in political, economic and cultural diplomacy – nuclear diplomacy.
5. Arms Race, Arms Control and Disarmament
- (a) Causes and Consequences of arms race – attempts at arms control and disarmament – bilateral – regional – multilateral and UN-led efforts – Nuclear proliferation and non-proliferation efforts.
6. Contemporary Diplomacy
- (a) Emerging trends in UN diplomacy – diplomacy and energy security – the European Union example – environmental diplomacy – economic diplomacy – cultural and media diplomacy – diplomacy in the face of unconventional threats – terrorism as diplomacy through other means? – religious diplomacy – being a diplomat in the age of post-diplomacy.
7. Contemporary International Politics
- (a) ASEAN, SAARC, NAFTA, AU, SCO – Rise of the Rest – Asian resurgence and the rise of India and China – new historical experience for conducting new international politics – anticipating futures.

SELECTED READINGS

Paper I: International Law

A. General Principles of International Law

1. Akehurst, Michel, *Modern introduction to International Law*, 5th ed (George Allen and Unwin, London, 1984).
2. Alexandrowicz, C. H., *An Introduction to the History of the Law of Nations in the East Indies in 16th, 17th and 18th Centuries*.
3. Anand, R. P., *Compulsory Jurisdiction of the ICJ* (Asia Publishing House, New Delhi, 1986).
4. _____, *Development of Modern International Law and India* (Nomos, Germany, 2005).
5. _____, *International Law and the Developing Countries* (Banyan Publications, New Delhi, 1986).
6. _____, *New States and International Law* (Vikas Publications, New Delhi, 1994).
7. _____, *Salient Documents of International Law* (Banyan Publication, New Delhi, 1994).
8. _____, *Studies in international Law and History: an Asian Perspective* (Martinus Nijhoff Publishers, 2004).
9. Balkrishna, Rajgopal, *International Law from Below: Development, Social Movements and Third World Resistance* (Cambridge University Press, UK, 2004).
10. Brierly, J. L., *Law of Nations: An Introduction to the Law of Peace*, 6th ed (Oxford University Press, London, 1998).
11. Brownlie, Ian, *Principles of International Law*, 5th ed (Oxford University Press, London, 1998).
12. Conforti, Benedetto, *The Law and Practice of the United Nations* (Martinus Nijhoff Publishings, 2005).
13. Dixit, R.K. & Jayaraj, C, *Dynamics of*

International Law in the New Millennium (Manak Publications, New Delhi,

14. Dixit, R.K. , Shankardass, R.K.P., Jayaraj, C & Sinha, Manoj K., *International Law: Issues and Challenges*(ISIL & Hope India Publications, New Delhi, 2009)
15. Green, L. C., *International Law through the Cases*, 3rd ed (Stevens and Sons, London, 1970).
16. Harris, D. J., *Cases and Materials on International Law*, 6th ed (Thomson and Sweet and Maxwell, London, 2004).
17. Mani, V. S., *Basic Principles of Modern International Law* (Lancers Book, New Delhi, 1993).
18. Nawaz, M. K., *Changing Law of Nations* (Eastern Law House, New Delhi, 2000).
19. Oppenheim's, *International Law of Peace*, vol. 1, 9th ed. (London, 1992).
21. Patel, Bimal (ed.), *India and International Law* (Martinus Nijhoff Publishings, Leiden, 2005).
22. Shaw, M. N., *International Law* (Cambridge University Press, New York, 2005).
23. Starke, J. G., *Introduction to International Law*, 10th ed Butturworths, London, 1992).
24. Weeramantry, C. G., *The World Court: Its Conceptions, Constitutions and Contributions* (A Sarvodaya Vishava Lekha Publications, Sri Lanka, 2002).

B. International Air and Space Law

1. Bilyou, Air Law (1963).
2. Diederiks, Versehoor, *Introduction to Air Law* (Kulwer Law and Taxation, Dordrecht, 1983).
3. Gal, Gyula, *Space Law* (Academiai Kiado, Budapest, 1969).
4. Jasentuliyana, N. and Roy, S. K. Lee, (eds), *Manual Space Law* (Dobbs Ferry, New York, Oceania Publications, 1969).

5. Jenks, C. W., *Space Law* (Praeger, New York, 1969).
6. Johnson, D. H. N., *Rights in the Air* (Manchester University Press, Manchester, 1965).
7. Lachs, Manfred, *Law of Outer Space: An Experience in Contemporary Law Making* (Sijthoff, Leiden, 1972).
8. Mani, Bhatt and Reddy, *Air Law and Policy in India* (Lancers Books, New Delhi, 1994).
9. Mani, V. S., et al., *Recent Developments in International Space Law and Policy* (Lancers Books, New Delhi, 1997).

C. International Environmental Law

1. Birnie, P. W. and Boyle, A., *International Law and the Environment* (Clarendon Press, Oxford, 1998).
2. Kiss, A. and Shelton, Dinah, *International Environmental Law* (Transnational, New York, 1991).
3. Conference Papers, *Fifth International Conference on International Environmental Law*, 2 Volumes, (ISIL, 2007)

D. Law of the Sea

1. Anand, R. P., *Origin and Development of the Law of the Sea* (Martinus Nijhoff, The Hague, 1983).
2. Churchill, R. R. and Lome, A. V., *The Law of the Sea* (Manchester University Press, Manchester, 1983).
3. O'Connell, D. P., *The International Law of the Sea* (Clarendon Press, Oxford, 1982).

Paper II: Law of International Institutions

1. Abi-Saab, Georges (eds), *The Concept of International Organisation* (UNESCO, Paris, 1981).

2. Archer, Clive, *International Organisations* (Routledge, London, 1992).
3. Benett, A. Le Roy, *International Organisations: Principles and Issues* (Prentice Hall, Englewood Cliffs, 1988).
4. Bowett, D. W., *Law of International Institutions* (Sweet of Maxwell, London, 1983).
5. Inis L. Claude, Jr., *Swords and Ploughshares: Problems and Progress of International Organisation* (St Martin's Press, McGraw-Hill, 1971).
6. James, Alan, *Peacekeeping in International Politics* (A Politics of Peace Keeping, 1990).
7. Kaufman, Johan, *The United Nations Decision-Making* (1980).
8. Kelsen, Hans, *The Law of the United Nations* (Stevens and Sons, London, 1951).
9. Khan, Rahamatullah, *The Implied Powers of the United Nations* (Vikas Publications, Delhi, 1969).
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12. Nicholas, Herbert, *The United Nations as a Political Institution* (Oxford University Press, New York, 1963).
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14. Peterson, M. J., *The General Assembly in World Politics* (1969).
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17. Reuter, Paul, *International Institutions* (George Aliens Unwin, London, 1958).
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23. UNITAR, *United Nations and Maintenance of International Peace and Security* (1987).
24. Williams, Douglas, *The Specialist Agencies and the United Nations: The System in Crisis* (Hurst, London, 1987).
25. Wright, Quincy, *International Law and the United Nations* (Asia Publishing House, Bombay, 1960).
26. Zimmermann, Alfred, *The League of Nations and the Rule of Law* (Ruse!! and Ruse!!, 1936).

Paper III: International Relations and Diplomacy

1. Bailey, T. A., *The Art of Diplomacy: The American Experience* (Meredith, New York, 1968).
2. Bull, Hedley (1977). *The Anarchical Society: A Study of Order in World Politics*, New York: Columbia University Press.
3. Claude, Inis, *Swords and Ploughshares: The Problems and Progress of International Organisations* (Mc Graw Hill St Martins Press, New York, 1965).
4. Gartmann, F. B., *The Relations of Nations* (Mcmillan, London, 1983).
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2. HUMAN RIGHTS, INTERNATIONAL HUMANITARIAN AND REFUGEE LAWS

INTRODUCTION

Human Rights may be said to those fundamental rights to which every man or woman inhabiting any part of the world entitled to, by virtue of having been born as a human being. Persistence, vigilance and living actions by the people themselves for protection of human rights are essential. Indeed, an essential pre-requisite for progressive realisation of human rights is popular awareness of and support for universally accepted human rights norms and standards. It is in the hope of spreading human rights awareness, the ISIL has started Post Graduate Diploma Course in Human Rights, International Humanitarian and Refugee Laws. ISIL's Post Graduate Diploma course, which was started in the year 1999, runs in collaboration with the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR),

The whole course is conducted over two semesters – August to December and January to April. The said course comprises of three papers. The section on humanitarian law touches upon on the Development of International Humanitarian Law, Hague Conventions, Four Geneva Conventions 1949 and Additional Protocols I, II (1977) and III

(2005) and their implementation measures. The section on Refugee Law includes Historical Development of Refugee Law, Identification and Determination of Refugees, 1951 Convention on Refugees and its 1967 Protocol and UN Guiding Principles on Internal Displacement. Few classes are devoted to the topic whether India should sign 1951 Convention or not and Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights. Convention for the Elimination of All Forms of Racial Discrimination, 1965, Convention for the Elimination of All Forms of Discrimination Against Women, 1979 and Convention on the Rights of the Child, 1989 etc., will be discussed under human rights section. This section also covers the role played by Indian Judiciary, NHRC and NGO's in promotion and protection of human rights in India. Reading materials and other relevant documents provided by the ICRC and the UNHCR are more than sufficient to cover whole syllabus.

PAPER – I HUMAN RIGHTS LAW

International Law on Human Rights

1. Introduction: The Historical Development of Human Rights Law
2. Universal Declaration of Human Rights – Universalist vs. Cultural Perspectives on Human Rights
3. Enforcement of Human Rights
 - (i) UN Human Rights System – UN Charter based Mechanisms
 - (a) The Commission of Human Rights (1946-2006): History, Structure, Mandate
 - (b) The UN Human Rights Council: Creation, Mandate, Expectations
 - (ii) Treaty based Mechanisms
4. International Covenant on Civil and Political Rights
5. International Covenant on Economic, Social and Cultural Rights
6. Right against Torture - UN Convention on the Prohibition against Torture and Degrading Treatment -

7. The Right to Development - Declaration on the Right to Development
8. Rights of Child - UN Convention on the Rights of the Child – Hague Convention on Inter-country Adoption
9. Convention for the Elimination of All Forms of Racial Discrimination (CERDs) – Protection of Minorities and Indigenous Groups
10. UN Convention for the Elimination of All Forms of Discrimination against women (CEDAW)
11. Regional Instruments and Institutions for the Protection of Human Rights
 - (i) European System
 - (ii) Inter-American System
 - (iii) African System
12. Intellectual Property Rights (Traditional Knowledge) and Human Rights

Human Rights in India

1. Historical and Constitutional Development of Human Rights in India
2. Fundamental Rights and Directive Principles of State policy under the Indian Constitution.
3. Fundamental Duties under the Indian Constitution
4. Role of Judiciary in Protection of Human Rights in India
5. Role of National Institutions like National Human Rights Commission of India, Ombudsman etc.
6. Protection of Vulnerable Sections of Society in India (Tribals, Women, Minorities, Children, Aged, Disabled)
 - (i) Juvenile Justice (Care and Protection of Children) Act 2000
 - (ii) Central Adoption Resource Agency (CARA)
 - (iii) National Commission on Women (NCW)
 - (iv) National Commission on Minorities
7. Role of Non-Governmental Organizations in the Protection of Human Rights in India
8. Poverty and Human Rights in India
9. Career in Human Rights in India

PAPER – II INTERNATIONAL HUMANITARIAN LAW

A. Introduction to International Humanitarian Law

1. Nature and Definition of IHL – Historical Background and Origins of IHL (including a South Asian perspective)
 - (i) Inter-state resort to force and international law – Prohibition and Exceptions
 - (ii) Use of Force and International Humanitarian Law (IHL) – Relationship between *ius ad bellum* and *ius in bello*
2. Sources of Modern IHL – Customary International Humanitarian Law - Development of the Geneva Conventions and Additional Protocols
3. Fundamental Rules of IHL
 - (i) The Principle of Military Necessity and Humanity
 - (ii) The Principle of Proportionality and
 - (iii) The Principle of Distinction
4. Concept of War – International and Non-International Conflicts
5. Relationship between IHL and International Human Rights Law (IHRL); The Problem of Applicability of Human Rights Law in Armed Conflict

B. Protection of Defenceless

1. The General Obligations of Humane Treatment – Role of ICRC – Wounded, Sick and Shipwrecked persons
2. Combatant Status – Status of Irregulars and Mercenaries
3. Protection of POW's
4. (i) Protection of Civilian and Civilian Objects from Attack
(ii) Protection of Civilians in the Power of Enemy Belligerent
5. Protection of Medical Personnel, Establishment and Transport
6. Women and Children and Other Vulnerable Groups including Refugees

C. Limitation on Means and Methods of Warfare

1. General Limitations on the Conduct of War— Limits on the Choice of Methods and Means of Warfare
2. Conventional Weapons (Conventions on Prohibition of Certain Conventional Weapons)
3. Specific Weapons – Chemical, Biological, Nuclear, Cluster Munitions, etc.
 3. Anti-personnel Land Mines (Ottawa Convention)
4. Protection of Cultural Property and Natural Environment

D. Law of Non-International Armed Conflicts

1. Historical Development and Conditions of Application – Common Article 3
2. Additional Protocol II to the Geneva Conventions of 1949 – A Critical Evaluation
3. Situation of Internal Disturbances and Violence – IHL and Human Rights
 - (i) Implementation of International Humanitarian Law:
 - (ii) National Implementation of IHL – Status in South Asia
 - (iii) Role of National Legislation – Role of Military Law – Representation of Breaches
4. Implementation of IHL
 - (i) Protecting Power - Concept and Role of the ICRC
 - (ii) War Crime Tribunals and Developments in International Criminal Law
 - (a) Concept of War Crimes and Grave Breaches of GCs
 - (b) Role of International Tribunals and International Criminal Court

PAPER – III INTERNATIONAL REFUGEE LAW

1. Origin and Development of International Refugee Principles
2. The 1951 UN Convention on the Status of Refugees and its 1967 Protocol

3. The Definition of Refugee including the Exclusion and Cessation of Refugee Status
4. Statute and Role of the UNHCR
5. Asylum and the Principle of Non-Refoulement
6. Durable Solutions
7. Internally Displaced Persons
8. Safe Haven Concepts, Principles of Family Unity etc.
9. Vulnerable Groups of Refugees including Women, Children and Victims of Torture
10. Ratification of International Instruments by India and their Impact on Refugee Protection in India, the Impact of the Bangkok Principles – Asian African Legal Consultative Organisation and Indian Obligations to Provide Refugee Protection
11. National Framework for Refugee Protection in India – Relevant Provisions of the Constitution of India
12. Foreigner Act, 1946, Relevant provisions of the IPC, Problem of Detention of Refugees/Arrests/discharge/Surety etc.
13. Role Played by Indian Administrative Authorities, the Judiciary, NHRC, SAARC LAW and Other Institutions/Groups/NGO's Including the Role of the Informal Consultations on Status of Refugees and Migratory Movements in South Asia.
14. Issues relating to the Accession to the Refugee Conventions
15. Security Concerns Relating to the Refugees in South Asia
16. Global Overview of Refugee Assistance Programmes
17. Preventive Strategies
18. Burden Sharing, UNHCR Intervention with Internally Displaced Persons, Problems of Statelessness, Concept of Temporary Refugee, Irregular Movement of Refugees, Internal Flight Alternative

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3. INTERNATIONAL TRADE AND BUSINESS LAW

INTRODUCTION

Since 1980s, liberalization of national economies has become a worldwide phenomenon. This has resulted in an unprecedented growth in the volume of international trade and cross-border economic exchanges. Until recently, international trade was regulated by disparate legal regimes, but with the establishment of the World Trade Organization (WTO) from 1 January, 1995, international trade in all its conceivable dimensions is sought to be regulated by the unified and global

legal regime instituted by the WTO. The legal regime requires States Parties to conform their national laws and regulations to the prescriptions set by the WTO within the stipulated transitional periods. Consequently, national legal frameworks relating to international trade in goods and services, and intellectual property rights is under a process of revision. At the same time, a number of international agencies and conventions, uniform law, model laws, legal guides and guidelines aimed at the eventual unification and harmonisation of disparate national laws and practices in the field of international trade. As a result, this area has become so sophisticated and specialized that at times even business executives and their in-house counsels find themselves at their wits' end in coping with the legal complexities raised by international business transactions.

With a view to provide an insight to the corporate executives and their legal counsels into the present legal framework governing international trade transaction and to keep them abreast with the legal developments taking place in this area, the Society has instituted a post-graduate diploma course in International Trade & Business Law since 1999.

Paper I: Private Law of International Trade

1. Theories of International Trade
2. International Sales Contract
 - a) Sale Contract- Elements of the Law of Contract
 - b) Essentials of Sales Contracts, Performance of the Contract
 - c) Conflict Situation
 - d) Uniform Law on Formation of Sales Contracts
 - e) Vienna Convention on Contracts for the International Sale of Goods, 1980
 - f) UN convention on the Limitation Period in International Sale of Goods, 1973
 - g) Types of International Sale of Contracts
 - h) Incoterms: F.O.B. and its Variations

- i) CIF and its Variations
- j) Other Options
- k) Rights and Duties of Sellers and Buyers *vis-a-vis* Types of Contracts
- l) Standard Contract Forms, Forward Exchange Contract, Model Contracts Sponsored by the UN Commission for Europe
- m) Counter Trade
- n) Reciprocal Sales Agreements
- o) Barter
- 3. International Payments
- 4. Letters of Credit (Financing)
 - a) Carriage of Goods by Sea— Bill of Lading or Charter Party
 - b) Indian Law: Indian Carriage of Goods by Sea Act, 1925 (amended in 1993), Multimodal Transportation of Goods Act, 1993; Commercial Practices covering Bill of Lading, Charter Party on Liner Practices, 1972
 - c) International Convention on the Unification of Certain Rules relating to Bills of Lading (Hague Rules)
 - d) Visby Protocol, 1968; Additional Protocol, 1979
 - e) (Indian) Bill of Lading Act, 1856
- 5. Insurance
 - a) Cargo Insurance for Land, Air and Marine Movement of Goods, General Rules of Liability
- 6. Joint Ventures
- 7. Financing of International Sales
 - a) Contract of Credit: Legal Position and Commercial Practices
 - b) Terms of Payment and Rights and Duties of Parties
 - i) Documentary Collection: Bills of Exchange/Documentary Drafts
 - ii) Documentary Credit! Letter of Credit

- iii) ICC Uniform Customs and Practices for Documentary Credit
- c) Merchant Finance for Exports — Bank Guarantees and other Contract Guarantees, Role of Financial and Risk Institutions in the Negotiation of Documents
- d) Credit Risk Coverage: Export Credit and Guarantees Corporation (ECUC)
- e) Realization of Payments
 - i) FEMA — Foreign Exchange Management Act, 1999
 - ii) RBI Guidelines and Statutory Restrictions
 - iii) Guidelines of the Central Government
- 8. Licensing and Technology Agreement

Paper II: Public Law of International Trade and International Trade Institutions

1. Historical Background of the GATT, 1947
2. Evolution of the WTO, 1994
 - a) Structure, Principles and Working
 - b) Difference between GATT and WTO
3. Agreement on Safeguards
4. Agreement on Anti-Dumping
5. Special and Differential Treatment under the WTO
6. Agreement on Subsidies and Countervailing Measures
7. Trade in Agriculture
8. Agreement on the Application of Sanitary and Phytosanitary Measures
9. Agreement on Technical Barriers of Trade
10. TRIPS
11. TRIMS
12. Trade in Services

Paper III: Settlement of Disputes in International Trade

1. Methods of Settlement of Disputes
2. ADR and International Trade Disputes

3. International Arbitration, Conciliation, Mediation and Litigation
4. Online Dispute Resolution
5. Settlement of Disputes in Various WTO Multilateral Agreements viz-Balance of Payments, Dumping, Countervailing Measures and Allied Matters.
6. Dispute Settlement Body (DSB) in WTO
7. UNCITRAL Model of Settlement of Disputes

Paper IV: International Economic Institutions

1. International Monetary Fund (IMF)
 - a) Structure and Functions
 - b) Concept of Par Value Systems
 - c) Currency Convertibility
 - d) Breakdown of Par Value System
 - e) Conditionality of IMF
2. International Bank for Reconstruction and Development (IBRD)
 - a) Structure and Functions
 - b) International Finance Corporation
 - c) International Development Association
 - d) Lending by World Bank
3. UNCTAD and NIEO
4. Regional Development Banks
 - a) Structure and Functions
 - b) Asian Development Bank
 - c) Inter American Development Bank
 - d) Banking in Relation to European Union
5. Environment and International Trade Law
6. Trade and Investment
7. Sustainable Development
8. Transnational Companies
9. Capital Market Regulation
 - a) SEEI Act
 - b) Insider Trading Laws
 - c) Merger and Acquisition Laws

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4. INTERNATIONAL AND NATIONAL INTELLECTUAL PROPERTY RIGHTS LAW

INTRODUCTION

This Course is aimed at imparting comprehensive knowledge regarding Intellectual Property Rights. This Course covers Patents, Copyrights and Trademarks, Designs and Geographical Indications including Plant Varieties, Biological Diversity and Inventions relating to Information Technology. The Course reflects upon the Indian position regarding IPR in the background of developments in the field of International Law relating to IPR. The recent developments pertaining to IPR will also be undertaken in order to apprise the students. The PG Certificate Course in IPR consists of three papers.

Paper I: General Regime of Intellectual Property Rights (IPR) Law

1. Introduction
 - (i) Concept and Nature of IPRs
 - (ii) Evolution of IPR and its significance in present context
 - (iii) Justifications of IPRs - Theories of protection
 - (iv) Kinds of IPR- Industrial property and copyright
2. International legal instruments relating to IPRs
3. IPR in the context of WTO / TRIPS- Objectives and Principles of TRIPS
4. Exhaustion of IPRs

Paper II: Patents

1. Introduction to Patent Law
 - (i) What is a patent
 - (ii) Object and Value of patent system
 - (iii) International framework on patents - Paris Convention, Patent cooperation treaty
 - (v) WTO – TRIPS
2. Indian Patent Law
 - (i) The Patent Act, 1970
 - (ii) The Patent Amendment Act 2005 and the Patents (Amendment) Rules 2003, 2007
3. Subject matter of a Patent, patentability criteria
4. Inventions not patentable
5. Procedure for grant of a patent
 - (i) Specification- provisional and complete, claims, priority date
 - (ii) Patent Opposition: Pre-grant and Post-grant
 - (iii) Rights and obligations of patentee
 - (iv) Transfer of patent rights
 - (v) Revocation, patent infringement and remedies
6. Compulsory licensing under International Norms
7. Filing of International patent applications
8. Bio Patents, Software patents
9. Patent & public health issues
10. Patent Law and Competition Rules

Paper III: Trademarks

1. Introduction to Trademarks – nature and justification of Trademarks
2. International Legal Instruments on Trademarks
3. Indian Trademark Law - Trademarks Act, 1999
 - (i) What is a Trademark
 - (ii) Trademark and domain name
 - (iii) Subject matter of Trademark
 - (iv) Kinds of Trademarks
4. Registration of Trademark – absolute grounds of refusal and relative grounds of refusal
5. Revocation of Trademark
6. Infringement of Trademark and passing off
7. Trademark defences
8. Assignment and Licensing
9. Domain Names and cyber squatting

Paper IV: Copyright and Neighbouring Rights

1. Introduction to Copyright
 - (i) Conceptual basis/Theories of Protection
 - (ii) Author's rights – economic and moral
 - (iii) Neighbouring rights
 - (iv) International Convention / Treaties on Copyright and Neighbouring rights
2. Indian Copyright Law
 - (i) The Copyright Act, 1957 as amended
 - (ii) Subject-matter of Copyright
 - (iii) Criteria for Protection
 - (iv) Authorship, Ownership, and duration of copyright
 - (v) Renewal and termination of copyright
 - (vi) Neighbouring rights – rights of broadcasting organizations, performers rights, database right
 - (vii) Assignment, transmission and relinquishment of copyright
 - (viii) Licenses
 - (ix) Infringement of copyrights and remedies

- (x) Defences
- (xi) Copyright in the Cyber World
- (xii) Copyright & multimedia works

Paper V: Industrial Designs, Layout-designs of Integrated Circuits and Confidential Information

1. Industrial Designs
 - (i) Basis of protection of industrial designs
 - (ii) International treaty on industrial designs
 - (iii) Subject matter of protection and requirements
2. The Designs Act, 2000
 - (i) Definition of design
 - (ii) Registration of design
 - (iii) Rights conferred by registration
 - (iv) Cancellation of registration, assignment and license
 - (v) Revocation, infringement and remedies
 - (vi) Copyright protection for designs
3. Layout – Designs of Integrated Circuits
 - (I) The Semiconductor Integrated Circuits Layout – Design Act, 2000
 - (ii) Conditions and procedure for registration
 - (iii) Duration and effect of registration
 - (iv) Assignment and transmission
4. Confidential Information
 - (i) Nature of Confidential information, breach of confidence and know-how
 - (ii) TRIPS provisions on confidential information
 - (iii) Essentials of an action for breach of confidence- employer-employee relationship, and remedies
 - (iv) Data protection

Paper VI: Plant Variety Protection, Traditional Knowledge, Biodiversity, Geographical Indications

1. Plants Breeders Rights and Farmers Rights
 - (i) Patents on Life forms and Agriculture
 - (ii) Plant Breeders Rights
 - (iii) Farmers Rights

- (iv) Goals of Sui Generis Protection
- (v) Flexibility under the TRIPS Agreement
2. Sui Generis Plant Varieties ad Farmers' rights Act
 - (i) National Legal Framework for Plant Variety Protection
3. Traditional Knowledge
 - (i) Concept of Traditional Knowledge (TK)
 - (ii) Impacts of IPR claims on TK
 - (iii) Existing International Protection and Proposed Initiatives Concerning TK
 - (iv) Bases for TK Protection
 - (v) Existing International/National Protection of TK
 - (vi) Biological Diversity Act, access to genetic resources and prior informed consent
4. The Geographical Indications of goods (Registration and Protection) Act, 2000
 - (I) Concept of appellations of origin, indication of source and Geographical Indication
 - (ii) Procedure for registration, duration of protection and renewal
 - (iii) Infringement, penalties and remedies

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5. ENVIRONMENTAL LAW

INTRODUCTION

The Indian Society of International Law is starting one-year PG Diploma Course in Environmental Law from 2010. The paper consists of five papers. The course structure gives a comprehensive understanding of environmental law with special reference to international environmental law. The admission process will get underway in the month of July-August. For the Post-Graduate Diploma and Certificate Courses, the requirement is a Bachelor's degree from a recognized University. A degree in law/commerce/business management is desirable for students interested in pursuing the course in Environmental Law. The Academy reserves the right to relax this requirement if it is satisfied that the practical professional experience of the applicant is adequate to make up this eligibility requirement.

PAPER -I ORIGIN AND DEVELOPMENT OF ENVIRONMENTAL LAW FROM 1900 TO 1992

1. Early Phase (1990 to 1970)

- (I) Legislation
 - (a) Protection of fauna and flora
 - (b) International Convention for the Regulation of Whaling 1946
- (ii) Case Law
 - (a) Important arbitrations award (Trail Smelter, Pacific fur seals, Lac Lanaux)
 - (b) Corfu Channel Case 1949
- (iii) Institutional Developments
 - (a) Establishment of specialized agencies of the United Nations and steps taken by them to conserve natural resources
- (iv) How it began in India?
 - (a) A Short History of Environmentalism in India

2. Stockholm to Rio Summit (1972 to 1992)

- (a) Stockholm Declaration
- (b) Stockholm Declaration and India
- (c) Importance of Stockholm Declaration in the Growth of
- (d) International Environmental Law
- (e) Establishment of United Nations Environment Programme (UNEP)
- (f) UNEP principles in the regulation of shared natural resources
- (g) UNEP's Montevideo Programme
- (h) 1982 World Charter for Nature
- (i) World Conservation Strategy of International Union for Nature and Natural Resources (IUCN)
- (j) Rio Summit and its Importance in the Development of International Environmental Law 1992
- (k) Rio Declaration
- (l) Agenda 21
- (m) India and Rio Summit

PAPER - II MAJOR CONVENTIONS TO REGULATE GLOBAL ENVIRONMENT

1. Regulation of Marine Environment and International Water Courses

- (i) Aspects and Causes of Marine Pollution
- (ii) The Conventions- London Convention, MARPOL, Deep sea mining, Antarctica Treaty, Convention on Wetlands 1971 (Ramsar Convention 1971).
- (iii) Transboundary Movement of Hazardous Wastes (Basel Convention 1989)
- (iv) Transboundary river water disputes
 - (a) Convention on Non-Navigational Uses of Water.
 - (b) Indus-Water Treaty and related Disputes.
 - (c) The Ganga Brahmaputra Basin Case
 - (d) The Kishen-Ganga Dispute.

2. Major Conventions to Regulate Atmospheric Pollution

- (i) Long-Range Transboundary Atmospheric Pollution 1979 (also called ECE Convention) and its Protocols.
- (ii) Vienna Convention and the Montreal Protocol 1983&1987
- (iii) United Nations Framework Convention on Climate Change 1992
 - (a) Relevant COP Decisions in Rule Development of Climate Change
 - (b) Berlin Mandate 1994
 - (c) Marrakesh Accord 2001
 - (d) Bali Summit 2007
 - (e) Kyoto Protocol 1997

3. Forest and Wild Life Conservation

- (i) Convention on International Trade in Endangered Species (CITES) 1973
- (ii) Convention on Migratory Species (CMS) 1979
- (iii) Indigenous Peoples rights and related convention.
- (iv) Convention on Biological Diversity (CBD) 1992
- (v) Cartagena Protocol 2000
- (vi) Convention to Combat Desertification 1994

PAPER - III BASIC CONCEPTS AND PRINCIPLES IN THE DEVELOPMENT OF ENVIRONMENTAL LAW

1. Basic Concepts

- (I) Public Trust Doctrine
- (ii) Principle of Common Concern of Humankind
- (iii) Principle of Common Heritage of Mankind
- (iv) Principle of Common but Differentiated Responsibilities and Respective Capabilities.

2. Principle of Sustainable Development

- (I) Environmental Considerations and Economic Development

- (ii) Polluter Pays Principle
- (iii) Precautionary Principle
- (iv) Principle of Intergenerational Equity
- (v) Principle of Intra-generational Equity
- (vi) Application of the Principle in Indian Context
- (vii) Important Case Law elucidating Sustainable Development
- (viii) Principle of Additionality and Cost-effectiveness

PAPER - IV COMPLIANCE MECHANISMS IN THE FIELD OF ENVIRONMENTAL LAW

- (i) National Compliance
- (ii) Reporting
- (iii) Monitoring
- (iv) Settlement of Disputes in the Field of International Environmental Law
- (v) Non-Compliance procedures
 - (a) Vienna Convention on Protection of Stratospheric Ozone Layer 1985
 - (b) Kyoto Protocol 1997
- (vi) Financial Mechanisms (Global Environment Facility (GEF) and Montreal Protocol Multilateral Fund (MPMF)) and its Role in Ensuring Compliance
- (vii) Role of NGOs in Ensuring Compliance with International Environmental Law

PAPER - V ENVIRONMENT PROTECTION IN INDIA

- (i) Constitutional and Legislative Provisions
- (ii) Environmental Protection and Fundamental Rights
- (iii) Environmental Legislation in India
 - (a) The Water Act 1974
 - (b) The Air Act 1981
 - (c) The Wild Life Protection Act 1972
 - (d) The Environment Protection Act 1986
 - (e) The Public Liability Insurance Act 1991
 - (f) The National Environment Appellate Authority Act of 1997
 - (g) Forest Acts in India

- (h) The Scheduled Tribes and Other Traditional Forest Dwellers Act (Recognition of Forest Rights Act) 2006.

Suggested Readings

Books

1. Philippe Sands, *Principles of International Environmental Law* (Cambridge University: 2003).
2. Patricia Birnie and Alan Boyle, *International Law and The Environment*, (Oxford University Press: 2004).
3. M. A. Fitzmaurice, "International Protection of the Environment", *Recueil Des Cours* (2001)
4. Lyster, *International Wildlife Law*, (Cambridge: 1985)
5. Shyam Divan & Armin Rosenzcranz, *Environmental Law & Policy in India* (OUP: 2001)
6. D. S. Sengar, *Environmental Law* (New Delhi 2009).
7. Richard B. Bilder, "The Settlement of Disputes in the Field of the International Law of the Environment", *Recueil Des Cours* (1975) pp. 141-239.
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Article

1. Louis B. Sohn, "The Stockholm Declaration on the Human Environment", *Harvard International Law Journal*, vol. 14, (1973) pp.423-515.
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4. Oscar Schacter, "Development of International Environmental Law", *Journal of International Affairs*, vol. 44, no. 2 (1991) pp. 457-493.
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1. LAW OF AIR TRANSPORT AND AVIATION LIABILITY

INTRODUCTION

International air transportation is the vascular system of modern international States and the nerve network of international society. Problems in international air transportation by their nature have an international

perspective. This is more evident today than at any time in the past, due to the intensification of transboundary trade, the internationalisation of the division of work and the acceleration of technological progress. The International dimensions of air transportation and its activities are not only discernible in communication across the border of several sovereign states, it also created common problems in the policy and laws between countries at different stages of development. The policies and legal problems are often novel and have considerable complexity.

'With a view to provide an insight for various sections of people i.e., legal counsels who are involved in the air transportation sector and consumers, into the present legal framework governing international air transport and to keep them abreast with the legal developments taking place in this area, the Society has instituted a course in International Law of Air Transport and Aviation Liability. The whole course is divided in two papers.

Paper I

- I. Introduction
 - a) Sovereignty over Air Space
 - b) Cujus est solum, ejus est useque ad coelum
 - c) Paris Convention 1910
 - d) Paris Convention 1919
2. Freedom of Air
 - a) Chicago Convention 1944
 - b) International Air Transit Agreement 1944
 - c) International Air Transport Agreement 1944
3. Bilateral Air Service Agreements (BASA)
 - a) Bermuda Agreement 1946
 - b) Bermuda Agreement 1977
 - c) abotage and Grand Cabotage
4. ilateralism vs. Multilateralism
 - a) Deregulation of Air Transportation
 - b) Trade in Air Services
 - c) Commercial Practices in Air Transport
5. Safety and Security in Aviation
 - a) The Tokyo Convention 1963
 - b) The Hague Convention 1970

- c) The Montreal Convention 1971
- (d) Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, 1982

Paper II

1. Liability of the Carrier towards Passengers
 - a) Warsaw Convention, 1929
 - b) Hague Protocol 1955
 - c) Montreal Interim Agreement, 1966
 - d) Guatemala City Protocol, 1971
 - e) Montreal Protocols, 1, II, III, and IV, 1975
 - f) Modernization of Warsaw System: Montreal Convention 1999
2. Liability of the Carrier towards Third Parties
 - a) Rome Convention 1933
 - b) Rome Convention 1955
3. Interception of Aircraft
 - a) Aerial Intrusion
 - b) Article 3 bis
4. Dispute Settlement Mechanism
5. New Aviation Policy of India
 - a) Air Transport Domestic and International
 - b) Open sky policy towards Cargo and passenger 6. New Anti Hijacking Policy

SELECTED READINGS

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2. PRIVATE INTERNATIONAL LAW

INTRODUCTION

The six month certificate course in Private International Law is aimed at imparting knowledge to young lawyers in matters concerning transactions involving foreign laws and foreigners in India in the context of globalisation liberalisation and privatisation (GLP) besides matters in the area of matrimony and law of obligations.

This course will be started only after fifteen students are registered for this course.

Paper I. General

1. Private International Law- Definition and Scope, Exception to Private International Law
2. Jurisdiction — Bases and Limitations
3. Domicile
4. Procedure in Private International Law
5. Foreign Judgments and Arbitral Awards

Paper II

1. Law of obligations
 - a) Contracts
 - b) Proper Law doctrine
 - c) Particular Topics

2. Law of Torts
 - a) Theories
 - b) English and Indian Law of Foreign Trade
3. Marriage
 - a) Nature of Marriage;
 - b) Validity of Marriage
 - c) Matrimonial Causes, Divorce, Annulment, Recognition of Foreign Divorce Decrees
4. Adoption

SELECTED READINGS

1. Broch, L.G, "The Recognition of Foreign Decrees of Divorce and Separation in Norwegian Laws", *Netherlands International Law Review* vol. 14(1967).
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