

COURSE WORK FORMAT

School of International Studies ***CENTRE FOR INTERNATIONAL LEGAL STUDIES***

Course: **M. A. (Winter Semester 2023)**

Course Title: **LEGAL CONTROLS OF INTERNATIONAL CONFLICTS (IS 455 N)**
(General Principles of International Law – II)

Course Type (Core/Optional): Core

Course Teacher: PROF. DR. BHARAT H DESAI

Credits: Four

Contact Hours: Four per week

Course Objectives: As an instrumentality of inter-state conduct, International Law or 'Law of Nations' provides an organic framework of principles, rules and institutional structure to regulate state behavior. It provides, among others, a basis for the 'outlawry' of war, pacific settlement of international disputes, prohibition of threat or use of force, other specific challenges such as nuclear weapons, disarmament and terrorism as well as rules on humanizing warfare and fixing international criminal responsibility. Within the limits of time and space, the course seeks to provide basic understanding about the role played by international legal frameworks for the regulation of conflicts and other contemporary challenges (such as terrorism and proliferation of weapons of mass destruction) and related issues.

Learning Outcomes: To impart an understanding as regards 'taming the beast' in the human mind that threatens international peace and security as well as to realize that those who violate International Law can be made accountable. It underscores as to how International Law works effectively within the limits of state-centric international system.

Evaluation Method: Mid-semester and End-semester examinations

Course Content: see detailed course outline (attached)

Readings: see detailed course outline (attached)



JAWAHARLAL NEHRU UNIVERSITY
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M.A. Core Course: Winter Semester 2023

Legal Controls of International Conflicts (IS 455 N)
(General Principles of International Law – II)
Course Teacher: Prof. Dr. Bharat H Desai

[Done: 27 March 2023]

S.No.	Name of Topic
1.	Outlawry of War: Covenant of League of Nations (1919); Pact of Paris (1928)
2.	UN Charter Blueprint: Prohibition of the Threat or Use of Force
3.	Peaceful Settlement of International Disputes Role of the Political Organs of the UN (UNGA and UNSC)
4.	Sanctions
5.	International Humanitarian Law
6.	International Criminal Responsibility
7.	<i>Non-liquet</i> and Law of Disarmament
8.	Legal Control of International Terrorism
9.	International Humanitarian Intervention
10.	International Watercourses Law

RECOMMENDED READINGS

1. Outlawry of War

Desai, Bharat H. (2023, 2022), Part – VII: [13 March 2023: Rape under Orders as a Weapon of War: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2023/03/13-march-2023-rape-under-orders-as-a-weapon-of-war-a-challenge-for-international-law); Part – VI: [22 September 2022: Use of Weapons of War and Violence Against Children: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/09/22-september-2022-use-of-weapons-of-war-and-violence-against-children-a-challenge-for-international-law); Part – V: [23 August 2022: Use of Weapons of War and the Role of Humanitarians: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/08/23-august-2022-use-of-weapons-of-war-and-the-role-of-humanitarians-a-challenge-for-international-law); Part – IV: [11 August 2022: Use of Nuclear Weapons in War \(Hiroshima-Nagasaki Day\): A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/08/11-august-2022-use-of-nuclear-weapons-in-war-hiroshima-nagasaki-day-a-challenge-for-international-law); Part – III: [06 August 2022: Abused Ammunition as a Weapon of War in the DR Congo: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/08/06-august-2022-abused-ammunition-as-a-weapon-of-war-in-the-dr-congo-a-challenge-for-international-law); Part – II: [22 June 2022: Use of Sexual Violence as a Weapon of War: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/06/22-june-2022-use-of-sexual-violence-as-a-weapon-of-war-a-challenge-for-international-law); Part – I: [28 May 2022: Use of Food as a Weapon of War: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/05/28-may-2022-use-of-food-as-a-weapon-of-war-a-challenge-for-international-law)

Desai, Bharat H. (2022), “The Indian Bid for Permanent Membership of the UN Security Council”, 01 October 2022; [Blog Special: The Indian Bid for Permanent Membership of the UN Security Council \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/10/01-blog-special-the-indian-bid-for-permanent-membership-of-the-un-security-council)

Desai, Bharat H. and Desai, Jay B. (2020), “On the Century of Peacemaking at the 1919 Treaty of Versailles: Looking Back to Look Ahead”, *International Studies*, vol.57, no.3, pp. 201-222; available at: [On the Century of Peacemaking at the 1919 Treaty of Versailles: Looking Back to Look Ahead - Bharat H. Desai, Jay B. Desai, 2020 \(sagepub.com\)](https://sagepub.com/doi/10.1177/0022002720953333)

McNair, Lord and Watts, A.D. (1966), *The Legal Effects of War* (London: Cambridge University Press), pp.1-54.

Wright, Quincy (1941), *A Study of War* (Chicago: Uni. of Chicago Press), vol. I, pp.3-36.

Yasuaki, Onuma (1993), *A Normative Approach to War* (Oxford: Clarendon Press), pp.57-98.

2. UN Charter Blueprint: Prohibition of the Threat or Use of Force

Claude, Inis L., Jr. (1961), “The United Nations and the Use of Force”, *International Conciliation*, No.532, March 1961, pp.325-384.

Desai, Bharat H. (2023, 2022), Part – VII: [13 March 2023: Rape under Orders as a Weapon of War: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2023/03/13-march-2023-rape-under-orders-as-a-weapon-of-war-a-challenge-for-international-law); Part – VI: [22 September 2022: Use of Weapons of War and Violence Against Children: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/09/22-september-2022-use-of-weapons-of-war-and-violence-against-children-a-challenge-for-international-law); Part – V: [23 August 2022: Use of Weapons of War and the Role of Humanitarians: A Challenge for International Law \(sisblogjnu.wixsite.com\)](https://sisblogjnu.wixsite.com/2022/08/23-august-2022-use-of-weapons-of-war-and-the-role-of-humanitarians-a-challenge-for-international-law)

(sisblogjnu.wixsite.com); Part – IV: [11 August 2022: Use of Nuclear Weapons in War \(Hiroshima-Nagasaki Day\): A Challenge for International Law \(sisblogjnu.wixsite.com\)](#); Part – III: [06 August 2022: Abused Ammunition as a Weapon of War in the DR Congo: A Challenge for International Law \(sisblogjnu.wixsite.com\)](#); Part – II: [22 June 2022: Use of Sexual Violence as a Weapon of War: A Challenge for International Law \(sisblogjnu.wixsite.com\)](#); Part – I: [28 May 2022: Use of Food as a Weapon of War: A Challenge for International Law \(sisblogjnu.wixsite.com\)](#)

Desai, Bharat H. (2017), “Surgical Strikes by India: Taking International Law Seriously”, *Economic & Political Weekly*, vol.52, no.5; [‘Surgical Strikes’ by India : Taking International Law Seriously | Economic and Political Weekly \(epw.in\)](#)

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Thomas M. Franck (1979), “Who Killed Article 2 (4)? OR Changing Norms Governing the Use of Force by States”, *The American Journal of International Law*, vol.64, no.5, pp.809-837.

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Wood, Michael (2013), “International Law and the Use of Force: What Happens in Practice”, Revised and updated ISIL Lecture, 13 September 2013; *Indian JIL*, vol.53; available at: https://legal.un.org/avl/pdf/ls/Wood_article.pdf

3. Peaceful Settlement of International Disputes

Collier, John and Lowe, Vaughan (1999), *The Settlement of Disputes in International Law: Institutions and Procedures* (Oxford: Oxford University Press).

Desai, Bharat H. (2023), “The Audacity of Hope: The UNGA Request for an ICJ Advisory Opinion on Occupied Palestinian Territory”, [26 January 2023: The Audacity of Hope: The UNGA Request for an ICJ Advisory Opinion on Occupied Palestinian Territory \(sisblogjnu.wixsite.com\)](#)

_____ (2022), “The Indian Bid for Permanent Membership of the UN Security Council”, 01 October 2022; [Blog Special: The Indian Bid for Permanent Membership of the UN Security Council \(sisblogjnu.wixsite.com\)](#)

_____ (2022), “Nailing the Filibuster on the India-Pakistan Question as the UN Security Council’s Seized Item”, 10 May 2022; available at: [Nailing the Filibuster on the ‘India-Pakistan Question’ as the UNSC’s ‘seized’ Item \(sisblogjnu.wixsite.com\)](#)

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Murthy, B.S. (1978), “Settlement of Disputes”, in Max Sorensen, ed., *Manual of Public International Law* (London: McMillan), pp.673-737.

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4. Sanctions

Brierly, J.L. (1959), *The Basis of Obligation in International Law* (Clarendon: Oxford), Eds. H.Lauterpacht & C.H.M.Waldock, Chap.15 – ‘**Sanctions**’, pp. 201-211.

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5. International Humanitarian Law

Desai, Bharat H. (2023), “The Audacity of Hope: The UNGA Request for an ICJ Advisory Opinion on Occupied Palestinian Territory”, 26 January 2023; [The Audacity of Hope: The UNGA Request for an ICJ Advisory Opinion on Occupied Palestinian Territory \(sisbloginu.wixsite.com\)](#)

Desai, Bharat H. (2023, 2022), Part – VII: **13 March 2023: Rape under Orders as a Weapon of War: A Challenge for International Law**

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Jonathan Crowe and Kylie Weston-Scheuber (2013), *Principles of International Humanitarian Law* (Cheltenham: Edward Elgar).

Anthony Cullen (2010), *The Concept of Non-International Armed Conflict in International Humanitarian Law* (Boston: CUP).

Harland, Christopher (2010), *Basic Documents on International Humanitarian Law* (New Delhi: ICRC)

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6. International Criminal Responsibility

Desai, Bharat H. (2023, 2022), Part – VII: **13 March 2023**: [Rape under Orders as a Weapon of War: A Challenge for International Law \(sisblogjnu.wixsite.com\)](http://sisblogjnu.wixsite.com); **8 March 2023**; [The Challenge of Protecting Women's Rights in the Digital Age: Making International Law Work \(sisblogjnu.wixsite.com\)](http://sisblogjnu.wixsite.com); Part – VI: **22 September 2022**: [Use of Weapons of War and Violence Against Children: A Challenge for International Law \(sisblogjnu.wixsite.com\)](http://sisblogjnu.wixsite.com); Part – V: **23 August 2022**: [Use of Weapons of War and the Role of Humanitarians: A Challenge for International Law \(sisblogjnu.wixsite.com\)](http://sisblogjnu.wixsite.com); Part – IV: **11 August 2022**: [Use of Nuclear Weapons in War \(Hiroshima-Nagasaki Day\): A Challenge for International Law \(sisblogjnu.wixsite.com\)](http://sisblogjnu.wixsite.com); Part – III: **06 August 2022**: [Abused Ammunition as a Weapon of War in the DR Congo: A Challenge for International Law \(sisblogjnu.wixsite.com\)](http://sisblogjnu.wixsite.com); Part – II: **22 June 2022**: [Use of](http://sisblogjnu.wixsite.com)

Sexual Violence as a Weapon of War: A Challenge for International Law (sisblognu.wixsite.com); Part – I: **28 MAY 2022**: Use of Food as a Weapon of War: A Challenge for International Law (sisblognu.wixsite.com)

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7. Non-liquet and Law of Disarmament

Desai, Bharat H. and Desai, Jay B. (2021), “On India as a Responsible Nuclear Power: Does No First Use Doctrine Need a Review? *International Studies*, vol.58, no.3; available at: [On India as a Responsible Nuclear Weapon State: Does the ‘No First Use’ Doctrine Need a Review? - Jay B. Desai, Bharat H. Desai, 2021 \(sagepub.com\)](#)

Desai, Bharat H. (1997), “*Non-Liquet* and the ICJ Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons: Some Reflections”, *Indian Journal of International Law*, vol.37, no.2, pp.201-218.

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Stone, Julius (1959), *Legal Controls of International Conflicts* (London: Stevens & Sons), pp.153-164.

8. Legal Controls of International Terrorism

- Beres, Rene Louis (1995), “The Meaning of Terrorism: Jurisprudential and Definitional Clarification”, *Vanderbilt Journal of International Law*, Vol.28, Nos.1-3, p.239.
- Desai, Bharat H. (2017), “Surgical Strikes by India: Taking International Law Seriously”, *Economic & Political Weekly*, vol.52, no.5, pp.21-24; available at: [‘Surgical Strikes’ by India : Taking International Law Seriously | Economic and Political Weekly \(epw.in\)](#).
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9. International Humanitarian Intervention

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10. International Watercourses Law

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McIntyre, Owen (2021), “New Approaches for International Water Resources” (Chapter 14, pp.138-148) in Bharat H. Desai, Ed., *Our Earth Matters: Pathways to a Better Common Environmental Future*, Editor (Amsterdam, Berlin, Washington DC: IOS Press); [Our Earth Matters | IOS Press](#)
