

# Laws Applicable During Emergency Situations:

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## Objective:

World War II brought unimaginative destruction to humans, the international community was determinative of making a system that can effectively put a check on war before it broke out between nations. The resolve of international community led to the establishment of United Nations, a system which was primarily on its predecessor League of Nations. Parallel to this humanitarian law was there to reduce the effect of an armed conflict that has already ensued. United Nations played an active role in setting up protective regime of international human rights law. This course intends to introduce the students not the UN as international organization rather the concept of use of force and international law regime that governs it. Use of force or what is also called as jus ad bellum is important in international relations as many states resort to it as a means of settlement of international dispute. Another important provision that this course intends to achieve is concept of state responsibility, how a state can be made responsible, what is the scheme of international law in this regard. Additionally, what laws are available to protect the human once the war has broken out? The relationship will be dealt among these laws. International Humanitarian law and International Human Rights Law will not be taught as subject rather an introduction and their role in armed conflict. Students will be prepared to protect the interest of their State as well of individual who has been rendered confused as to the legal protection available to him/her.

## Course:

### Module 1:

#### Treaty:

- 1.1. The law of treaty and rules of its interpretation
- 1.2. Suspension or termination of treaty
- 1.3. Reservation to a treaty

### Module 2:

#### Jus ad bellum:

- 2.1. The historical evolution of concept of just war
- 2.2. The League of Nations and its failure: structural anomalies
- 2.3. Establishment of United Nations: Analysis of UN charter
- 2.4. Role of International Court of Justice dispute settlement: jurisdiction

Module 3:

- 3.1. Use of Force: treaty law and customary international law
- 3.2. Exception to the use of force: treaty law and customary international law
- 3.3. Collective security scheme of charter, mandate of Security Council
- 3.4. Understanding SC resolution
- 3.4. Security Council and Chapter VII, failure of Art. 43 and authorization of use of force

Module 4:

- 4.1. Relationship between International Humanitarian Law and International Human Rights Law
- 4.2. What is *lex specialis*?
- 4.3. Is there any legal vacuum?

Module 5:

- 5.1. State Responsibility: Lotus case
- 5.2. State responsibility as secondary rule
- 5.3. State responsibility and draft article on State responsibility
- 5.4. Exceptions to the state responsibility

Compulsory readings:

The UN charter,

*Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States), ICJ Rep 1986.

*Hungary v Slovakia* [1997] ICJ Rep 7

Case concerning United States Diplomatic and Consular Staff in Tehran, (United States v. Iran) ICJ Rep, 1980

The S.S. Lotus Case (France v. Turkey), 1927 PCIJ

General Assembly resolutions 3314, 14 December 1974 DEFINITION OF AGGRESSION

General Assembly resolution 2625: DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS