

## BANGLADESH'S EXERCISE OF UNILATERAL WITHDRAWAL FROM CUSTOMARY INTERNATIONAL LAW: IMPLICATIONS OF THE DEFAULT VIEW FOR THE THIRD WORLD COUNTRIES

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### ABSTRACT

The status of International law in the legal system of Bangladesh has been unclear and subject to confusion. Even the constitutional provisions dealing with various aspects of international law have not been able to properly solve the confusion regarding the status of international law in Bangladesh. However, the prevailing jurisprudence dictates that in the absence of any domestic law, Customary International Law (CIL) becomes part of the law of the land. Consequently, the Appellate Division of Bangladesh in the *Government of Bangladesh v. Abdul Quader Molla*, adopted a Default view of the CIL, based on a theoretical model proposed by Professor Curtis Bradley and Professor Mitu Gulati, which asserts that states have the right to unilaterally withdraw from CIL. The article explores the adoption of the Default view of Bradley & Gulati by the Appellate Division and explores whether it undermines the status of CIL or it can pave the way for third-world countries to escape from the standards set by Western states to bind former colonies and new states. The research will be a doctrinal one, relying on the existing literature on the default view of CIL and decisions of the court in Bangladesh, regarding the right to unilaterally withdraw from CIL. The study reveals that the adoption of the default view by the Appellate Division is based on an incorrect understanding of both CIL and the default view itself. However, the default view and the example of the *Government of Bangladesh v. Abdul Quader Molla* provide an avenue for third-world countries to end the hegemony of the 'powerful Western countries' in international law.

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