

Q. 2 Make a precis of the following passage and suggest a suitable title.

(15+5=20)

Just as the most important norms governing the behaviour of individuals are embodied in domestic, or as the lawyers call it 'municipal' law, so some norms governing the behaviour of states are embodied in international law. Even so, the identity of name does not indicate an identity of nature. International law operates in quite a different social context, without the foundations of an overwhelming social consensus and of a central authority which endows its rules with sanction. States differ from individuals in that they are not subject to law; international law is not a law above states but one between them. This is a situation so anomalous for a legal system that some professional lawyers altogether deny the legal character of international law, claiming that it lacks the distinctive characteristic of effective sanctions. Sovereign states and an international legal system of the same type as domestic legal systems are logically incompatible. Either the states are truly sovereign and recognize no superior, in which case there can be no legal rules binding them; or, if such rules exist, then states are not truly sovereign. The contradiction is resolved by the theory of consent which claims that the binding character of international legal norms is founded upon their acceptance by states, explicit or implied. Thus being bound by international law becomes a form of exercising sovereignty. In the classical definition of sovereignty in the Wimbledon case, the World Court emphatically declined '...to see in the conclusion of any Treaty by which a State undertakes to perform or refrain from performing a particular act an abandonment of sovereignty'.

Since international law is based upon such an uneasy compromise, it is not surprising that the evaluation of its significance ranges so widely. Some regard it a sham, while others claim that, if only given a chance by politicians, lawyers would draft a comprehensive code which would ensure peace upon earth. Neither view does full justice to the true nature of international law which tries to reconcile sovereign states and international order and is the expression both of state-sovereignty and of its limitations.

Q. 3 Read the following passage carefully and answer the questions that follow.

(20)

The classic example of fallacy is a scene in a British court of law. As the attorney for the defense takes the floor, his partner hands him a note: "No case. Abuse the plaintiff's attorney."

Précis

Mock-8

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The most important norms that govern individuals' behaviours are embodied in municipal law and some that govern states' behaviours are added in international law. But name and nature are different. International law works freely under one central authority which forms its rules and regulations. Law can control individuals but not states. Therefore, some lawyers deny ~~the~~ the legal character of international law. Sovereign states and international system are logically incompatible. If the legal rules system exist, the states are inferior, if it does not exist states are superior.

Theory of consent clears that states can explicit or implied the international legal norms. International law forms an exercising sovereignty. In Wimbledon case, the World Court declined to see any treaty which could ~~act~~ favour to act for a state. This un-easy compromise can

broadens its ranges. For some people it is surprise and others think, it is surety of peace upon earth if it is supported by politicians and lawyers. Nature of International law is friendly with sovereign states and neutral to its limitations.

Title: The Role and Value of International Law among the States