

Read the question carefully and answer exactly what is asked, avoiding irrelevant political opinions or unnecessary background.

International law

Date: 31/12/25

Begin your answer with a clear and accurate introduction, defining key terms where required.

Organize your answer properly: introduction, main discussion, and a brief logical conclusion.

Demonstrate conceptual clarity and use correct International Law terminology (e.g., custom, treaty, *ius cogens*, *opinio juris*).

Support your arguments with relevant case laws (e.g., Lotus Case, Nicaragua Case, North Sea Continental Shelf) wherever applicable.

Refer to treaties and conventions such as the UN Charter, Vienna Convention, or Geneva Conventions when relevant.

Strengthen answers by mentioning jurists like Oppenheim, Brownlie, or Shaw where appropriate.

Focus on legal reasoning and analysis rather than mere definitions or rote memorization.

Apply the law to facts or situations instead of writing purely descriptive answers.

Present balanced views and mention exceptions or counter-arguments where relevant.

Use real international examples or ICJ decisions to substantiate your answer.

Ensure accuracy in case names, articles, and legal principles; avoid incorrect citations.

Do not confuse municipal law concepts with International Law.

2. Treaty Contracts

2. Law Making Treaty:

Law making treaty performed by some function in an international law field as legislation does in state field.

• Law making treaty adapt international law enacted with changing time and circumstances.

a) Treaties which give universal law.

Ex. UN Charter

2. Treaty which give general principles

Example:- laws of treaty.

Treaty Contracts

Treaty contracts are entered into by two or more states and the provisions of such binding only of the parties to the treaty.

2.

Customs

Difference between usages and customs

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Usages

- Usages are not binding nature.
- No sanctions ~~on~~ violation of usages.
- Usages are initial stage of customs twilight.
- Usages may be inconsistent and opposed to each other. As pointed out by Starks, "Where a custom begins, usage ends."

Customs:

- Customs are binding nature.
- There are sanctions on violation of customs and customs are final stage of usages.

Essential Elements

Of Customs:

- Long duration is not necessary ✓
- Generally should be practice
- Complete uniformity is not required but substantial uniformity
- *opinio juris* (Customs must be recognised as required as by law)

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- Majority of State should be practiced.
- Consent of the majority of state.
- The custom should also be uniform.

Case:

West Rand Central Gold Mining Company Ltd. v. R

In this case a test regarding the general recognition of custom was laid down. The court rules that for a valid international custom, it is necessary that it should be proved by satisfactory evidence that the custom is of such nature that it has received general consent of the States and no civilized State shall oppose it.

Follow the instructions