



National Officers Academy
Mock-8 for CSS-2024
January 2024
INTERNATIONAL LAW

TIME ALLOWED: THREE HOURS
PART-I(MCQS): MAXIMUM 30 MINUTES

PART-I (MCQS)
PART-II

MAXIMUM MARKS = 20
MAXIMUM MARKS = 80

NOTE:

- i. **Part-II** is to be attempted on the separate **Answer Book**.
- ii. Attempt **ONLY FOUR** questions from **PART-II**. **ALL** questions carry **EQUAL** marks.
- iii. All the parts (if any) of each Question must be attempted at one place instead of at different places.
- iv. Write Q. No. in the Answer Book in accordance with Q. No. in the Q. Paper.
- v. No Page/Space be left blank between the answers. All the blank pages of Answer Book must be crossed.
- vi. Extra attempt of any question or any part of the question will not be considered.

SUBJECTIVE PART — PART-II

- Q. 2.** "Treaties are known by a variety of different names, ranging from conventions to international agreements, pacts, general acts, and charters thorough to statutes, declarations and conventions"
Discuss in the light of its formation, interpretation, and termination.
- Q. 3.** Why is the third UN convention on the Law of the Sea (UNCLOS-III) considered a vast diplomatic and legal undertaking and what has made it different to the earlier efforts on the subject?
- Q. 4.** Discuss various modes of Acquisition of Territorial Sovereignty by the states acknowledged in International Law.
- Q. 5.** What are the Jurisdictional constraints to the right of self-determination in context to Montevideo Convention on the recognition of state?
- Q. 6.** 'A state that first physically occupies a territory retains sovereignty over it forever'. To what extent is this statement true of the acquisition of territory in International Law? Discuss in the light of Palestine-Israel conflict.
- Q. 7.** Does current international law concerning immunity suggest that heads of state and former heads of state responsible for serious human rights violations would be well advised to remain at home?
- Q. 8.** The International Court of Justice has no so-called compulsory jurisdiction:
(a) Explain under what circumstances the ICJ has jurisdiction to settle an interstate dispute
(b) Explain whether or not in the view of the ICJ its "provisional measure" are binding

Best of Luck for CSS-2024

- 1). The Estrada Doctrine relates to:
 - A). Delimitation of boundaries
 - B). Recognition of a government
 - C). Jurisdiction over aliens
 - D). Recognition of a State

- 2). The Schooner exchange case dealt with the principle of:
 - A). A State has sovereign right over its natural resources
 - B). A State's right of reprisal in case of violation of rights
 - C). A State's courts have to accept the validity of a foreign State's acts.
 - D). A government is free to seek military assistance from a friendly State.

- 3). The Universal Declaration of human rights was adopted in:
 - A). 1795
 - B). 1945
 - C). 1948
 - D). 1966

- 4). The first case taken-up by the international court of justice was:
 - A). Nationality decrees in Tunis and Morocco
 - B). Lighthouse in Crete and Samos
 - C). Corfu channel
 - D). Asylum case

- 5). Nationalization of foreign property is:
 - A). A State cannot nationalize foreign property
 - B). A State can nationalize foreign property without compensation
 - C). A State can nationalize foreign property with compensation
 - D). None of these

- 6). Diplomatic asylum means:
 - A). A diplomatic agent seeking asylum in the receiving state
 - B). Asylum provided by a diplomatic mission
 - C). Asylum provided to a political leader by foreign State.
 - D). None of these

- 7). The principle of jus cogens means:
 - A). A peremptory norm of International Law
 - B). A State is bound by the provisions of a forced treaty
 - C). A successor State is bound by the acts, of a predecessor State.
 - D). None of these

- 8). The International Law Commission is a body to:
 - A). Investigate situations which may threaten international peace and security
 - B). Codify International Law
 - C). Conciliate between/among the disputing states

D). Constitute an arbitration tribunal for the pacific settlement of a dispute.

9). A State enjoys immunity from the jurisdiction of foreign jurisdiction of foreign courts:

- A). All cases
- B). Public Cases
- C). Private cases
- D). None of these

10). Harmon Doctrine means:

- A). A State cannot interfere in internal affairs of other states
- B). A State is not bound to recognize a government installed by a foreign power
- C). A State has absolute right over the water resources of an international river within its own territory.
- D). A State has the right to use power to protect its nationals

11). The term of Judges of International court of justice is:

- A). Three years
- B). Six years
- C). Nine years
- D). Five years

12). Extradition is normally granted:

- A). In all cases
- B). In criminal cases
- C). In civil cases
- D). None of these

13). A diplomatic agent is immune from local jurisdiction:

- A). In all cases
- B). Criminal cases
- C). In cases involving personal property
- D). None of these

14). The principle of rebus sic stantibus means:

- A). A State cannot use force
- B). There is not a crime without Law
- C). Fundamental change of circumstances
- D). A treaty must be adhered to faithfully

15). A state has the right to exploit in the continental shelf:

- A). Living resources
- B). Both Living and non-Living resources
- C). Non-Living resources
- D). None of these

16). Foreign warships have:

- A). The right of free passage in the territorial waters
- B). Are not allowed to navigate in the Territorial waters
- C). The right of innocent passage in the Territorial waters.
- D). None of these

17). A state has the right to use force in case of:

- A). To obtain raw materials
- B). Armed attack
- C). To ensure the protection of human rights

D). None of these

18). The International court of justice was established:

A). 1907

B). 1919

C). 1945

D). None of these

19). The Vienna convention on Diplomatic Relations was adopted in:

A). 1815

B). 1958

C). 1961

D). 1963

20). The father of International Law is considered to be:

A). Suarez

B). Pufendorf

C). Hugo Grotius

D). Oppenheim

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Question : 2

"Treaties are known by a variety of different names, ranging from conventions, to international agreements, pacts, general acts, and charters through to statutes, declarations and conventions". Discuss in the light of its formation, interpretation and termination.

Introduction

Treaties are an important source of law in international arena

and they are of two types.

1. Law-making treaties

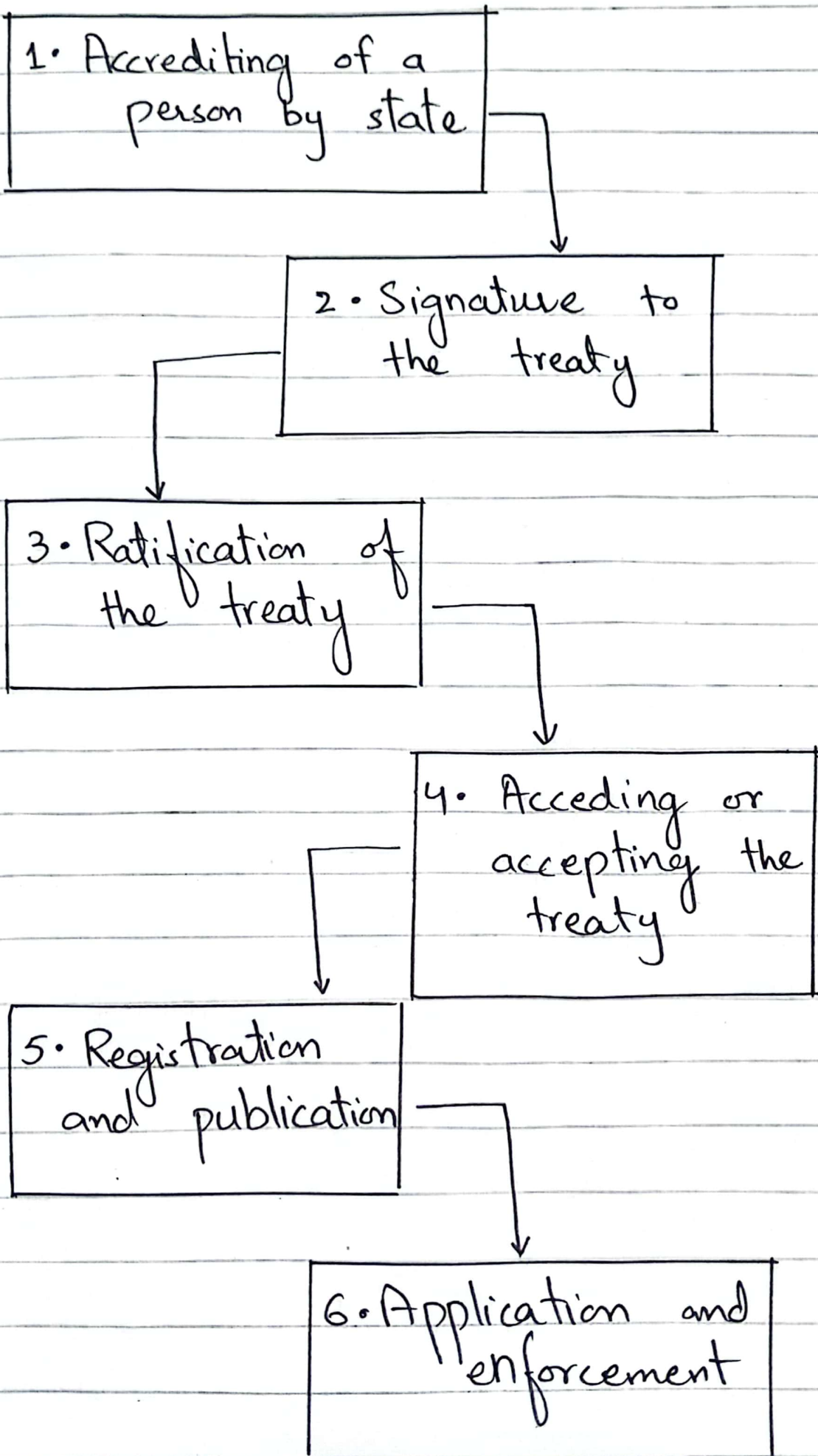
2. Treaty contracts

Further, law making treaties are of two types; one that provides general or universal rules of law and second that provides specific law like Vienna Convention on Law of Treaties, 1969.

This convention provides the process of formulation, interpretation and termination of the treaties which is explained below as:

Formulation of treaties:

Formulation of treaties involves the following steps:



* In the first step, state accredits a person as its representative to negotiate a treaty.

* Signatures have no binding effect on treaty.

* After ratification, the state is bound to perform the treaty.

* UN charter's article 51 provides that a treaty cannot be invoked in any organ of UN body if it is not registered.

Interpretation of treaty

Regarding the interpretation of treaty,

Article 51 and 52 of Vienna Convention of law of treaties, 1969 maintains

* Treaty should interpreted in good faith

* The interpretation must conform with the purpose and objective of the treaty.

* Treaty be interpreted in general meanings in the content of treaty and they will also include the preamble and annexes of treaties.

Besides that, other secondary means can be availed in interpretation and that include

- Pre-emptory work in making of treaty
- Circumstance in which treaty is concluded.

Termination of treaty

According to the Vienna Convention of Law of treaties, 1969, treaty can be interpreted in following cases.

1* Extinction of either of party to the treaty

2* In case of outbreak of war

3* Material breach of treaty subject-matter

4* Impossibility of performance of treaty

5* Rebus Sic Stantibus
It means
change of circumstances.

6 * Expiration of fixed terms

7 * Successive denunciations
by parties

8 * In case of Jus Cogens
that means emergence of
new preemptory norms
in general international law.

Conclusion:

Hence, treaties which
are known by a variety
of different names, are
being regulated by
Vienna Convention on Law
of Treaties, 1969. That
instrument is an effective
and important tool in
international law for
treating / dealing the treaties
efficiently.

Q:4

Discuss the various modes of Acquisition of Territorial Sovereignty by the states acknowledged in International Law.

Introduction

Acquisition of territorial sovereignty can only be achieved if a state has political control over territory in form of government.

Modes of Acquisition of Territorial Sovereignty

The concept of state succession can be applied here as replacement by one ~~one~~ state of another and succession can be universal, continuity or negative.

• By conquering the

territory

If a state conquer a territory in result of war, it is considered that now the conquer state has sovereignty over it and internal law accepts it as well.

• Disintegration or dismemb-

ement

If a state like Soviet union, ~~is~~ disintegrate then the new states will be considered to have sovereignty of territory and former state will not interfere in it.

• Freedom or liberalization
from a state

• If a state get freedom

from a state and establish its government over its population for instance freedom of colonies like sub-continent from their colonizers (UK).

• Case of merger

If two states or more willing merge into each other and form a single government then the new state will get sovereignty over all territory.

• Accession to a state

A state willing accede to a country then, the country will enforce its sovereignty over it, but if accession is not by will of people like the case of Kashmir then international law do not support or accept such acquisition of territorial sovereignty.

Conclusion

Territorial sovereignty means that state can enforce laws on territory and can use living or non-living resources in its ~~to~~ running of state affairs. Though there are multiple ways to acquire territorial sovereignty of a state but it can only be enforced if population is with the political government and other states recognize to establish relations with it otherwise it will be under the threat of intervention by other states.

Q: 5

What are the jurisdictional constraints to the right of self-determination in context to Montevideo Convention on the recognition of state?

Introduction

Montevideo Convention on the recognition of state provide certain rules that are essential in matters regarding state's recognition and international level.

Jurisdictional constraints

to the right of Self-

Determination

Right of Self-determination is a right in international

law that maintains that every state has the right to determine its future, its matters and defend itself in case of intervention.

• Article 2 regarding the recognition

Article 2 states that a state can run its state affairs and political government these not be affected by the fact that it is not being recognized by other states.

In this way, right of self-determination is compromised as it is not even recognized or acknowledged by other states.

• Article 8 regarding intervention

Article 8 maintains that no state has the right to interfere in internal or external matters of other states. But this article

hinders the right of self-determination because in certain cases to get their just rights, intervention is a must.

• Article 10 regarding peaceful settlements

Article 10 holds that disputes ~~with~~^{must} be avoided and in such cases, states should pursue peaceful settlements.

But this is against the right of self-determination, as it case of violence or coercion, use of force becomes necessity of a state.

Conclusion

Hence, there are certain jurisdictional constraints to the right of self-determination in content of Montevideo Convention but it can be resolved by seeking improved ^{legal} alternatives.

Q: 8

The international court of Justice has no so-called compulsory jurisdiction:

a) Explain under what circumstances the ICJ has jurisdiction to settle an inter-state dispute

b) Explain whether or not in view of the ICJ its "provisional measure" are binding

Introduction

ICJ called as International Court of Justice is an important organ of United Nations which provides a mean of judicial settlements of disputes among states. These disputes can be of political and legal nature. But ICJ only deals with legal matters.

ICJ jurisdiction to settle inter-state dispute

• Registration of treaty in UN

As^d article 51 of UN Charter maintains that any treaty between states can not be invoked to any organ of UN body, if it is not registered in the secretariat. In case of registration, ICJ will have jurisdiction to solve dispute regarding the treaty between the states.

• Advisory opinion to United Nation Security Council

If a disputes comes to United Nation Security Council, the UNSC has the right to ask for advisory opinion from ICJ, in this way, it can get jurisdiction over the matter.

• ICJ Opinion regarding consent and conclusion of treaty

ICJ opined that if consent to a treaty or conclusion of a treaty is being procured by coercion, threat or use of force, then such matters will be decided by the ICJ.

• Treaty explicitly declared mentioned it

A treaty, bilateral or multilateral, between the states has explicitly provided a provision that in case of dispute, the matter will be referred to ICJ. Then, in this case, ICJ will have jurisdiction over disputes

ICJ "provisional measure"

ICJ though judicial body at international level to provide just decisions in case of disputes but the demerit of this body is that despite declaring that the decisions of ICJ will be binding on parties to dispute or whether it is case of provisional measure, states do not take it as binding because there is no implementation measures provided. Though UN body indirectly try to implement its decisions by way of influencing states either by sanctions or other means.

Conclusion

Hence, it is maintained that International Court of Justice has no so-called compulsory jurisdiction but provides a way to settle disputes and ensure peace and security at international level.
