

Day: _____

I Law. Final Mock

Date: _____

Question No 3:-

• Introduction:

In principle, International law prohibits intervention, as stated in Article 2(4) of UN charter. However, many expert like Kelsen says international law does not prohibit intervention in all circumstances, which is stated in Article 2(7) of the UN charter.

In international law, when a state intervenes in the affairs of another state through force, then as a reaction against the violation takes place.

• Principle of Non-Intervention:

According to Nicholas the principle of non-intervention propounded under the Charter under Article 2(7) is applicable to the United Nations and not to the States. **For example:** If two states are in conflict or are going in a conflict then UN as per 2(7) can intervene to uphold international peace. Because a individual state cannot intervene to the other state as per 2(4) of UN charter.

• Non Intervention and G.A. Resolution 2131 of 1965 :

In this resolution the G.A. declared "No state has a right to intervene directly or indirectly for any reason whatever, in the internal or external affairs of another state".

• No political, cyber, economical and cultural intervention take place:

According to G.A resolution in 1970, no state, or group of states has the right to intervene directly or indirectly for any reason whatever. In addition armed intervention and all forms of interference or attempted threat against the personality of the state or against its political, economic and cultural elements, are in violation of international law.

• Intervention in civil war or Support of Armed groups:

In this modern world order, nations of the world have established close

relations with each other. In past, there were have been intervention by states in affairs of other states on this ground.

For example. In 1934-1938 Germany and Italy intervened in the war of Spain. However, U.N. can intervene like in the case of Congo in 1961. In Congo U.N. succeeded in ending the war and established law and order.

• Grounds of Intervention:

- 1) Self defence
- 2) on humanitarian grounds
- 3) To enforce treaty rights
- 4) Intervention to prevent illegal intervention
- 5) intervention of protection of person & property
- 6) collective intervention
- 7) Intervention to maintain international laws
- 8) intervention in civil wars.

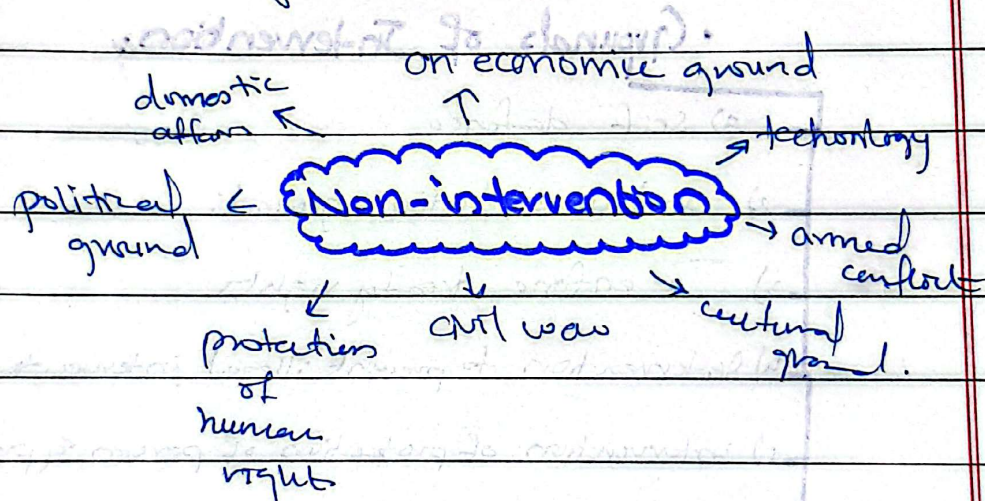
• In New Era of world:

In this modern world the above stated intervention are used in past and in this contemporary time intervention of any type

→ prohibited by UN charter 2(4).

• Intervention By UN:

The UNSC empowered to take collective action to maintain or restore international peace and security which undoubtedly comes under international law, however UNSC cannot intervene domestic affairs of state like UN did in Congo (1961) case.



• Conclusion:

In past all type of intervention were permissible but in contemporary time, the intervention is not allowed in any case. Therefore, the intervention of a state to another state is a complete violation of international law. Only U.N can do intervention in certain matters not all matters.

Question : 4

• Introduction:

The International law evolved with the events which are occurred in the past. The events are World War I and World War II. These are the main events to make international law. The 20th century witnessed biggest war in man-kind. The purpose of international law to maintain peace and international stability between the States. Thus, the international law established.

• Factors which lead to establish League of Nations:

After the WW-I, the States which are called Super powers established an institution called League of Nations. The aim and main function of League of Nations is to establish peace and security in the world. However, the League of Nations failed to achieve its objectives, which lead to the big event of war which is WW-II. (1939-45).

• After Second world war:

The second world war compelled the nations of the world to establish an international organization so the mutual disputes could be resolved peacefully and peace and security should be maintained.

• San Francisco Conference 1945:

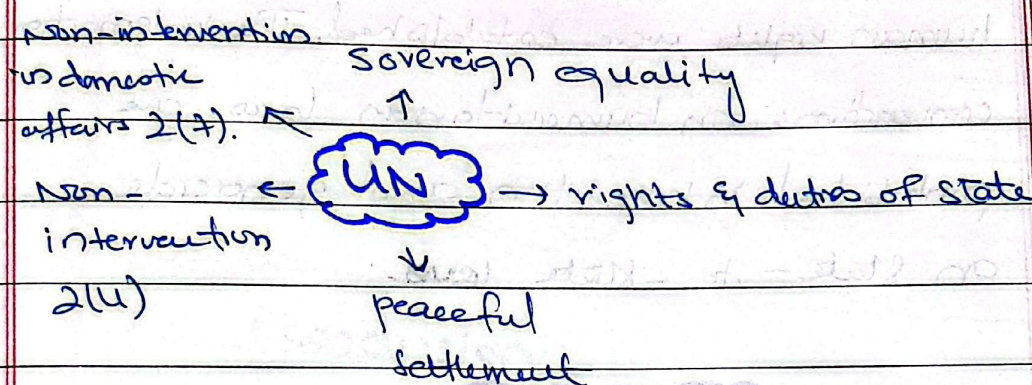
In San Francisco Conference on January 26, 1945, where the U.N. Charter was adopted and signed by 51 nations of the world. consequently on October 24, 1945 the United Nations was ultimately established.

• Time Line:

- WW-I, (1914-18)
- League of Nations, 1920
- WW-II, 1939-45
- UN, 1945
- ICS, 1945
- Vienna Conventions.

• United Nations:

As UN established, the purpose of UN was to maintain international peace and security; develop friendly relations among nations; international cooperation; and to achieve common goals.



• Being of International law:

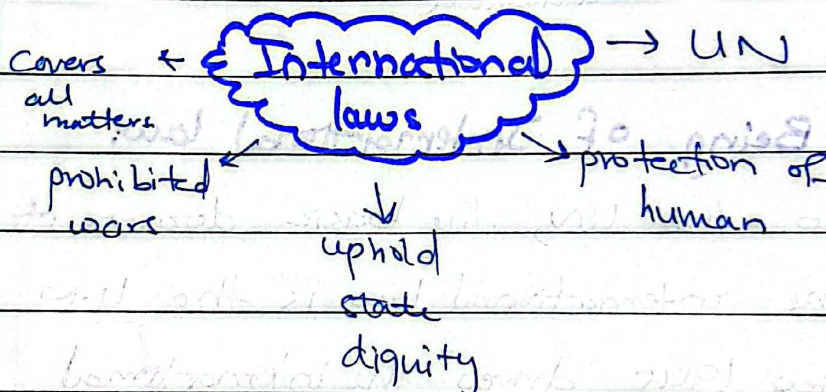
After the UN, the basic documents of the international law is the U.N Charter 1945 drives the international law. After it the multiple laws are established. Like league convention, Vienna convention, convention on law of sea & on and so forth. These conventions also known as treaties which governs the state-to-state affairs. In case of of violation sanction are be imposed.

Treaties convention

- Un. charter - 1945
- Vienna convention 1969
- hague convention 1907
- Geneva convention - 1949

International humanitarian laws:

Another development was the laws of human rights were established. The international conventions on humanitarian laws are prohibited intervention and genocide on state-to-state level.



Modern Era and International law:

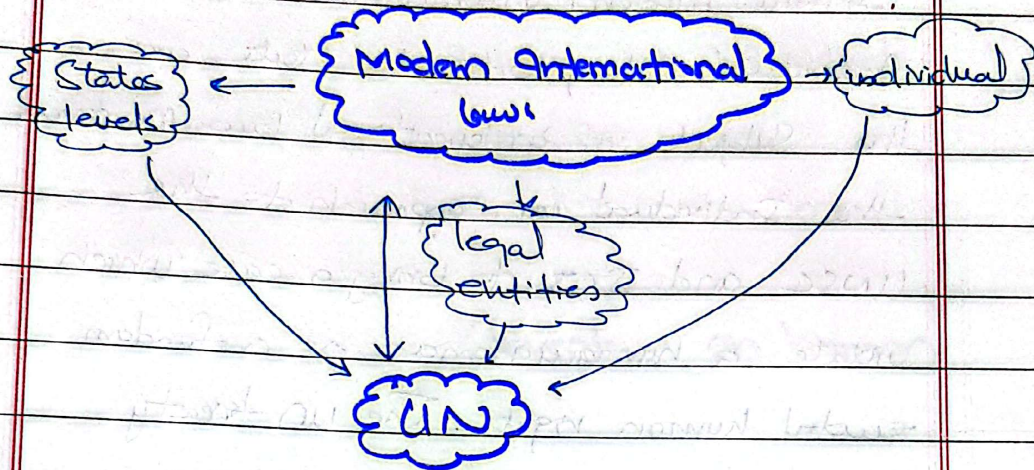
In the modern times international law is developed in a dynamic way as it covers all the matters. Like in past the international law was only applied to states. But in modern times international

not all war.

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law $\triangleright$ applicable to legal entities and state and individuals



• conclusion:

The international law $\triangleright$ evolved with time and events. The international law $\triangleright$ dynamic in nature and evolving with the time. In modern era, also the individuals and state and certain legal entities are governed by international law. The international law also aligned with the domestic law.

In some case domestic law go hand and hand with international law.

Question 5:

Introduction:

In the modern international law the individuals along with the state are the subject of international law. Moreover, the individual can approach to the UNSC and ICJ to bring a case which violate a humanitarian or a fundamental human rights. The UN treaty bodies, allow individual can submit complaints to various UN human rights treaty bodies.

Same as ICC held accountable the individuals who violates the international crimes.

Status of Individual in International Law:

According to Kelsen, the duties and rights of the states are only the duties and rights of individuals who compose them. Under international law the duties of the states are ultimately the duties of the individuals.

• Advisory Opinion of PCIT:

An Darning case, the ICJ, observed in advisory opinion, that there is nothing in international law to prevent individuals from acquiring directly rights under a treaty provided that this is the intention of the contracting parties.

• European Convention on human rights: 1950

Individuals are now recognized as a subjects of international law and they can now even claim rights against states including his own, as per European convention on human rights 1950 and International convention on human rights 1966.

• Ioane Teitiota V. New Zealand 2020; on human Rights.

A man from Kiribati challenged his deportation from New Zealand as a climate refugee before the UN human right committee, arguing climate change threatened his right to life under the

Under the: ICCPR. Through unsuccessful,
the Committee established that climate
change effects must be considered in
deportation decisions.

• ICC and case:

The ICC prosecutes individuals accused
of international crimes, through individuals
cannot directly petition the court.

• Ali Muhammad Ali Abd-Al-Rehman:

In this case the ICC held the
sentenced and to 20 years for 27
counts of crimes against humanity and
war crimes committed between 2003-11 in
Sudan.

• Conclusion:

According to the international law
individuals are the subject to the
international law. The case are the prove
that the international law entertain
the individual matters which violates
the fundamental laws and crimes laws.
Thus, the individual are subject to
international law.

Question 7. (a).

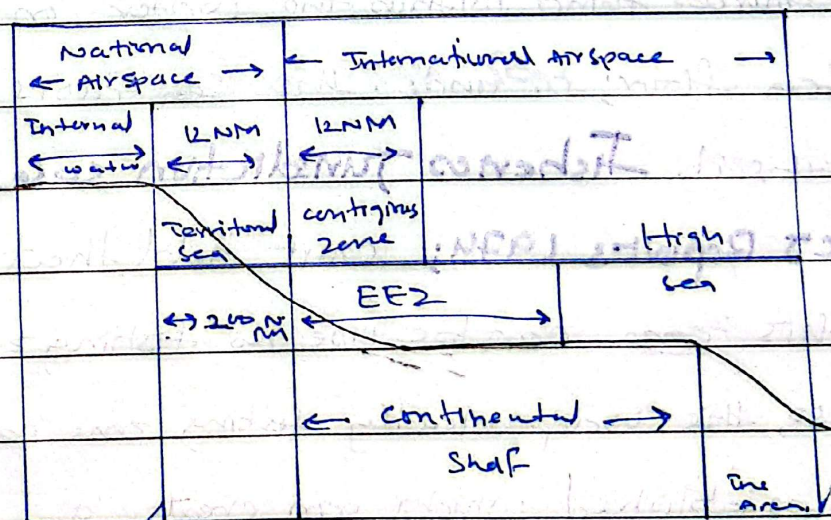
Internal waters are deemed to be such parts of the seas as are not either the high seas or relevant zones or the territorial sea and are accordingly classed as appertaining to the land territory of the coastal state.

Everything from the baseline to a limit not exceeding 12 NM is states territorial sea.

- **Rights and obligations:**

- **Rights:**

The rights of coast states are not to exceed 12 NM; EEZ 200 NM; continental shelf 250 upto; contiguous zone 20 NM.



Base
line

• Obligations:

The coastal state obligations are innocent passage, freedom of navigation, Transit passage.

• B) Contiguous Zone:

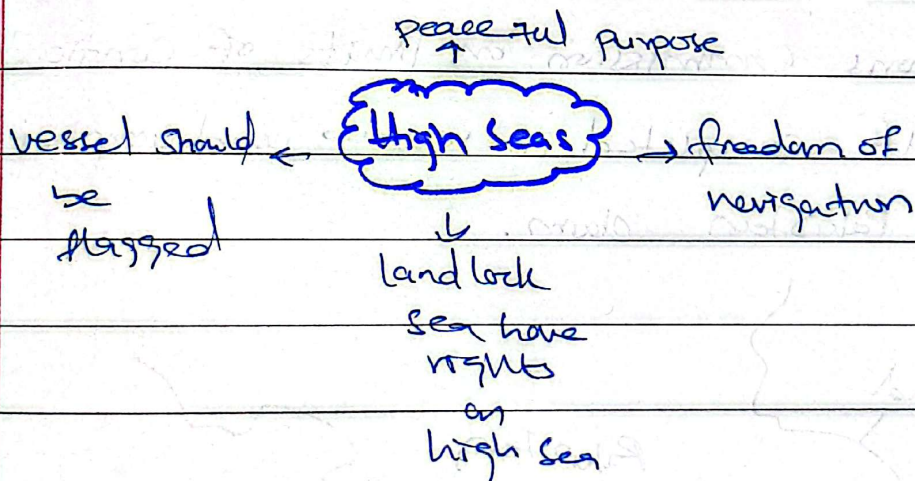
This zone, State has the right to prevent or punish infringement of fiscal, immigration, sanitary and customs laws within its territory and territorial limits of sea. It is up to 24 NM. As per article 24 of convention on the territorial sea and article 33 of 1982 convention.

• Exclusive economic zone:

As per article 56, 57, State has the exclusive right to exploit or conserve resources found within the water, on the sea floor; or under the sea floor's subsoil. Fisheries Jurisdiction case, ICJ Reports 1974; court held that this zone can be use as fishing zone also, the independently fishing zone cannot be established which can create a conflict between the state and sea boundaries.

. c) High Sea:

The essence of the freedom of the high seas is that no state may acquire sovereignty over parts of them. As per Article 87 of 1982 convention, the high seas are open to all states and that the freedom of the high seas is exercised under the conditions laid down in the convention and by other rules of international law.



. Jurisdiction on high sea:

Ships have the nationality of the state.

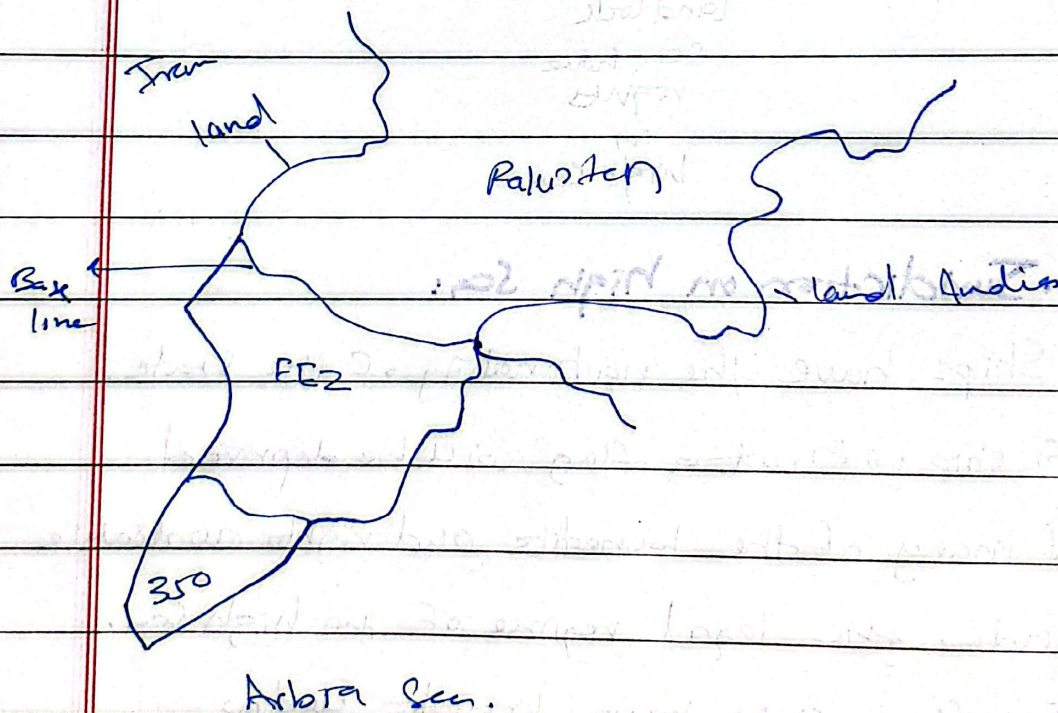
A ship without a flag will be deprived of many of the benefits and rights available under the legal regime of the high sea.

The flag ship have benefit under domestic & international law.

D) Continental Shelf:

The continental shelf is a natural seaward extension of a land boundary. The Law of Sea allows a state to conduct economic activities for a distance of 200 NM from the baseline. However it can be extended to 350 NM where the land area is not equal.

For example, Pakistan in 2015 extended its continental shelf as the United Nations Commission on Limits of Continental Shelf completed its review and accepted the Pakistan claims.



• Rights of Coast State 200 NM:

After 200 NM, its grant freedom of navigation. However, the purpose of exploring its natural resource cannot be granted without a proper consent as per article 7 of 1982 convention.

• Conclusion:

The laws of sea are complex in nature however, the UNCLOS, covered the all aspect of laws of sea to reduced the tension between the coastal state and promote peace and equal boundary rights.