

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

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

QUESTION NO. 05  
PRINCIPLE OF NON INTERVENTION

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

Demonstrate conceptual clarity and use correct International Law terminology (e.g. custom, treaty, jus 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.

### a - ARTICLE 2(4) OF UN CHARTER AND NON INTERVENTION

Article 2(4) of UN charter stops any state to intervene in affairs of other state for one or other purpose

Each state shall refrain the use of force against territorial integrity and political sovereignty of the other state

#### ARTICLE 2(4)

This article prohibits the violation of territorial integrity and also prohibits the intervention for political reasons like changing the or altering the governmental set up of a state

### b - ARTICLE 2(7) OF UN CHARTER AND NON INTERVENTION

Article 2(7) of UN charter limits the right of united nation to interfere in state affairs of any other state for any reason.

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UN SHALL REFRAIN FROM  
USE OF FORCE AGAINST  
TERRITORIAL INTEGRITY AND  
POLITICAL SOVEREIGNTY OF  
A STATE

ARTICLE 2(7)

Thus UN charter not only stops states from intervention but also limits UN itself to intervene in a state.

(C) UN CHARTER'S LIMIT INTERVENTION TO ARMED ATTACK

UN charter limits a state's right to intervene only to an armed attack.

Maximum use of force shall only be in case of armed attack leaving no room for deliberation.

So only choice UN charter provides for intervention is on armed attack.

d - UN CHARTER DOES NOT ALLOW INTERVENTION EVEN IN CASE OF TERRORIST ATTACK

UN attack limits intervention to on extent that

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it even does not allow the intervention in case of terrorist attacks.

## CASE STUDY: USA VS NAGARQUA CASE

Nagarqua was a state adjacent with USA. Terrorists from Nagarqua used to conduct terrorist activities in USA. But ICJ did not allow us to intervene in Nagarqua. Some precedent was set in other cases though ICJ does not follow the doctrine of precedent.

## f- LIMITED RIGHT OF INTERVENTION UNDER SELF DEFENCE

Article 51

of UN Charter limits the right of self defence to following conditions.

1- There must be an armed attack

2- Right reserve with state till the intervention of SC.

3- This right shall not include the right of security council to maintain peace.

4- Right is subject to review by security council

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## g- CYBER OPERATIONS AND NON INTERVENTIONS

Cyber interventions are major concern in 21<sup>st</sup> century. As the cyber operations are aimed to alter either the territorial integrity or for political purposes altering the political leadership of a state, hence these are against the Article 2(4) of UN charter.

## h- ECONOMIC COERCIONS AND PRINCIPLES OF NON INTERVENTION

In 21<sup>st</sup> century, economic coercions are tools to control the state and are form of neo-colonialism. Therefore economic coercion are also contradictory to principles of non interventions.

## i- COVERT SUPPORT TO ARMED GROUPS

Covert support to armed groups is provided either to alter the territorial integrity or political government. As the P. J. Bondhu stated that we have helped Pakistan by helping Mullah Babri. Therefore territorial integrity is political government is toppled, hence it is sheer violation of article 2(4).

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## CONCLUSION

UN charter limits the right of intervention against a state for sake of territorial alteration or changing of the political governments by virtue of Article 2(4) and 2(7). Furthermore it limits the use of force to armed attack and till the review of security council.

## QUESTION NO 04

### HISTORICAL EVOLUTION OF INTERNATIONAL LAW

International law, which is in form of UN charter, customs and treaties didn't develop overnight. Rather it is the product of efforts of nations belonging to a wide era of time. Jews, Romans and Greeks significantly contributed towards the international law. Then muslims advocated the laws of wars and peace. 16th and 17th century also contributed in form of treaty of westphalia. Then league of nation and united nation charter emerged as polished version of international law.

## A- DEVELOPMENTS DURING ANCIENT TIMES

### i- CONTRIBUTION OF JEWS

i- Jews believed in internationalized of affairs.

ii- They gave the diplomatic privileges and immunities

iii- They gave the laws of treaties.

### ii- CONTRIBUTION OF GREEKS

i- Greeks used to solve their issues through arbitration.

ii- They gave the various laws of war.

iii- They gave the laws related to prisoners of war.

iv- They exchanged prisoners of war through diplomacy.

### iii- CONTRIBUTION OF ROMANS

i- Roman fathers developed the laws of war.

ii- They gave and advised the laws of treaties.

iii- They developed treaties like that of war, love, friendship, alliance etc.

iv- They gave just war doctrine, which is even used today to be used as a pretext for intervention

v- Roman just war doctrine state war will be just in case

- ↳ Treaty is broken
- ↳ Attack on Roman state
- ↳ Help to an enemy state by a friendly state of Rome

### -V- CONTRIBUTIONS OF ISLAM

a- They introduced laws of war and war ethics.

#### Examples

i- prohibition of killing of non combatants.

ii- Human rights during war time.

iii- Environmental rights during the war.

b- They further advanced Diplomatic Immunities.

c- They developed various tactics for co-existence.

#### Example

i- Treaty of Madinah for coexistence of Jews and Muslims in state of Madinah.

ii- Treaty of Hudaibiah

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## B- DEVELOPMENT DURING 16<sup>th</sup> AND 17<sup>th</sup> CENTURY

16<sup>th</sup> and  
seventeenth century also witnessed  
the development in international  
law.

### i- TREATY OF WESTPHALIA

Treaty of  
Westphalia played a vital role in  
development of international law  
as

a- It abolished feudalism

b- It took the right of law  
making from the church to  
the state

c- Hurdles in law making were  
removed in this way.

d- Though it was not a proper  
law document, it paved way for future  
development in laws of nations.

### ii- EMERGENCE OF POSITIVIST

SCHOOL OF THOUGHT AND  
CONSENT OF STATE

During this  
era, positivist school thought  
emerged and emphasized on consent  
of state for law making and  
*pacta sunt servanda* as a moral  
obligation to follow the laws of

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nations or international law

### iii- CONTRIBUTIONS OF HUGO GROTIUS

a- Hugo Grotius in this era contributed towards development of international law.

b- He shifted or secularized the bases of international law (naturalist view) from Divine law to dictate of reason.

c- He established the naturalist as a separate source of international law.

d- He synthesized the positivist and naturalist school of thought.

## DEVELOPMENTS DURING 20<sup>th</sup> CENTURY

### 1- TRANSFORMATION OF <sup>EUROPEAN LAW TO</sup> LAWS OF NATION

First development during this century was the transformation of already existing European law to Law of nations.

### 2- LEAGUE OF NATION

With the efforts of Woodrow Wilson, the League of nations was made as

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an institution for international peace and order.

### 3-UN CHARTER

To remove the deficiencies of League of nation, UN charter was introduced as a formal legal document. It is one of the most successful development of international law. It is binding on all states by virtue of Article 2(6) of the UN charter.

### 3- DEVELOPMENTS DURING POST UN ERA

After establishment of UN, various developments in International law are made as.

a- Laws of war or International humanitarian law is introduced through Geneva convention.

b- Laws of treaties are developed through Vienna convention on laws of treaties.

c- Laws of statehood were developed through Montevideo convention.

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d- laws of seas related to questions of territory in sea were developed.

e- ICC was established to tackle war crimes.

f- Conventions, Custom and treaties among various member states are signed.

### CONCLUSION

History of international law is as old as the human history itself. Various nations like Jews, Romans, Greeks and Muslims contributed towards development of international law. Hugo Grotius, Wolff, and Wilson efforts and formation of UN charter and various customary laws and conventions transformed international law to its modern form.

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## QUESTION NO 05

### INDIVIDUALS AS SUBJECT OF INTERNATIONAL LAW

#### INTRODUCTION

It was a common perception that states are the only subject of international law. But this claim is widely challenged by various developments through which individuals were made direct subject of international law. International humanitarian law, human rights law and decisions of ICJ and ICC directly impacts or involve the humans, making human a direct subject of international law.

### Q - INTERNATIONAL CRIMINAL LAW AND HUMANS AS SUBJECT OF INTERNATIONAL LAW

As the international criminal law directly applies on humans making human a direct subject of the international law.

## b- PIRACY AS A SUBJECT OF INTERNATIONAL LAW AND STATUS OF HUMANS IN INTERNATIONAL LAW

As the piracy is a subject of international law and international law applies on pirates directly, many humans as a direct subject of international law.

## c- COLLISION IN HIGH SEA (CONVECTION OF LOTUS CAPTAIN) AND INDIVIDUALS AS A SUBJECT OF INTERNATIONAL LAW

Similarly, in collision in high seas, captain is dealt by states *in* *pos* international law. For example, Lotus' captain was captured and tried by Turkey and ICJ held it ~~as~~ *as* this directly involves individual, making individuals as a subject of international law.

## d- ASSYLUM, EXTRADITION AND NATIONALITY LAWS MAKE INDIVIDUAL A DIRECT SUBJECT

Likewise, the laws

associated with asylum of an individual, extradition of an individual and nationality of an individual are subjects of international law directly impacting individuals, hence these laws are evident that individuals are direct subject of international law.

### E- HUMAN RIGHT TREATIES AND INDIVIDUALS AS SUBJECT OF INTERNATIONAL LAW

As the human right treaties directly deal with rights of individuals and human rights are directly conferred to individuals, it makes individuals as a direct subject of international law.

### F- INTERNATIONAL COURT OF JUSTICE AND INDIVIDUALS AS DIRECT SUBJECTS

International court of justice also deals with cases related to individuals like human rights, so this also shows that individuals are subjects of international law.

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## h- INTERNATIONAL CRIMINAL COURT AND INDIVIDUALS AS SUBJECT OF INTERNATIONAL LAW

International Criminal Court directly deals with war crimes and convict war criminals making ~~it a subject~~ <sup>individuals</sup> a direct subject of International Law.

### EXAMPLE: CONVICTION OF WAR CRIMES OF PUTIN AND NATENYALHO

Recent conviction of war crimes by International Court of Criminal on war crimes in Ukraine and Palestine also support the view that individuals are not subject of international law, as the court convicted Putin and Natenyahoo directly implying international law over individuals.

### CONCLUSION

Direct implication of international law on individuals through international human right laws, law of war show that individuals are also direct subject of international law.

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QUESTION NO 08

PART [a]

## TERRITORIAL SEA

Territorial sea refers to the area of sea in which state has exclusive rights and state can exercise its sovereignty over it.

It is the area of around 12 NM from the base line

## RIGHTS AND OBLIGATIONS OF TERRITORIAL STATE

### RIGHTS

a- State can exercise sovereignty over territorial sea.

b- State can exercise criminal as well as civilian jurisdiction in territorial sea. Thus, state can apply its civil as well as criminal law in territorial sea.

c- State enjoys exclusive economic rights in territorial sea.

No state can do any economic activity except the permission of the ~~the~~ state.

No ships can be passed except from innocent passage without permission of territorial state.

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SP → So territorial sea is like the territory of the coastal state

### OBLIGATION

1- State must provide **innocent passage** to other states for navigation purpose

2- State must ensure the security of territorial water against sovereignty of another state

3- state must accept the trade request of the landlocked state in territorial sea.

### PART B

## CONTIGUOUS AND EXCLUSIVE ECONOMIC ZONE

### a) CONTIGUOUS ~~SEAS~~ ZONE

→ It was the area from 12 NM till 24 NM

→ State had exclusive economic rights.

→ It existed in UNCLOS-1982 but was discarded in later UNCLOS conventions

→ other states need to take possession of coastal state for economic activities.

## EXCLUSIVE ECONOMIC ZONE

→ It

extends beyond the territorial waters to 200 NM.

→ State can enforce exclusive economic rights in EEZ.

→ Other states are required to take the permission of coastal state for economic activities.

→ State cannot exercise its civil jurisdiction.

→ State cannot exercise its criminal jurisdiction unless there is a threat or drug smuggling.

## PART C

### LEGAL STATUS OF HIGH SEAS

→ The area beyond EEZ is high seas.

→ All states can use the high seas but for peaceful purpose.

→ All state must sail their ships under a flag.

→ Ships in high seas are considered as floating territories.

→ All states have universal jurisdiction against piracy and can punish piracy in high seas.

→ No flag in high seas is not

to piracy.

### JURISDICTION OVER SHIPS WITH FLAGS

→ Flags are considered as floating territories of states. The flag of which a ship is flying.

→ Flag must be of the state with which the ship is registered.

→ Only the state can treat the ship with which it is registered.

### PART 2

#### CONTINENTAL SHELF

→ It is the area under the water.

→ Coastal states have exclusive economic rights.

→ Other states must seek permission of coastal state for economic activities.

→ State cannot exercise its sovereignty but only has exclusive mining and economic rights.