

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Public International Law
Semester-VI (Batch: 2014-19)

End Semester Examination: April-May 2017

Date: 28th April, 2017

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

**There are 25 questions. Out of 25 questions, you have to attempt only 20
questions of your choice. Each question carries 2.5 marks**

Marks
(20×
2.5=50)

- Q.1 What are the perceived major deficiencies of international law and how these deficiencies are being addressed or overcome? Explain with any four such deficiencies.
- Q.2 Discuss the significance of critical date in deciding the international disputes relating to territorial sovereignty. Differentiate it with intertemporal law.
- Q.3 Normally, treaty is binding upon States who have expressly agreed to be bound. However, the UN Charter, although being a treaty, is an exception in several respects. Why is the UN Charter often considered to be binding on non-parties as well?
- Q.4 Why does Article 4 of the Draft Articles on Diplomatic Protection 2006, a text adopted by the International Law Commission at its fifty-eighth session in 2006, and submitted to the General Assembly as a part of the Commission's report covering the work of that session (A/61/10), not require a State to prove an effective or genuine link between itself and its national along the lines suggested in the *Nottebohm* case, as an additional factor for the exercise of diplomatic protection.
- Q.5 Are rules of customary international law and treaty law mutually exclusive all the time? Explain with citation of two examples.
- Q.6 What is acquisitive prescription? Explain how sovereignty over the islands/rocks was decided by ICJ in *Malaysia v. Singapore* (2008) (Case Concerning Sovereignty over Pedra Branca/Pulau Batu Puteh).
- Q.7 International law recognises special customs. However, there are significant differences of opinion as not to recognise special customs as general customs. What is your opinion and explain with two such norms of special customs which may or may not be treated as general customs?
- Q.8 On what grounds, can a State deny extradition? What are the grounds for refusal of extradition in Indian Extradition Act, 1962?

- Q.9 Do you agree that Article 51(c) of the Constitution of India reduces the position of international law in India to a mere directive principle? Explain.
- Q.10 *"Under public international law, two approaches could be taken to the question of jurisdiction. Either one allows States to exercise jurisdiction as they see fit, unless there is a prohibitive rule to the contrary, or the other one prohibits States from exercising jurisdiction as they see fit, unless there is a permissive rule to the contrary".* Discuss these two approaches. Which of these approach is accepted in international law?
- Q.11 What are three widely known reasons which dualists argue that international and municipal law have no relations whatsoever with each other? Who are the main proponents of dualism theory?
- Q.12 Differentiate between Pinochet Case (No.3) and Arrest Warrant Case (2000).
- Q.13 How can the President, Prime Minister and Foreign Minister espouse India's obligation under existing or evolving norm or rule of international law? Explain with examples in the context of India and any foreign counterpart.
- Q.14 Differentiate among absolute immunity, restrictive immunity, personal immunity and functional immunity in international law.
- Q.15 What is the definition of a Treaty as per the Vienna Convention on Law of the Treaties, 1969? Identify any two treaties and explain how those treaties meet the criteria of a treaty as defined in the Vienna Convention?
- Q.16 What is the meaning of peremptory norm and *jus cogens*?
- Q.17 How many interest groups were there in the negotiation leading to adoption of UNCLOS 1982 and which are those groups?
- Q.18 Why the UNCLOS is often referred as the Constitution of the Oceans?
- Q.19 Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal state if in the territorial sea it engages in certain activities. Enlist any eight such activities.
- Q.20 Explain the rules of State Succession for newly independent States.
- Q.21 What is the meaning of innocent passage through territorial sea? Why the right of innocent passage of warships in territorial sea has remained a controversial question?
- Q.22 Briefly explain five cases which were brought before the ICJ by or against India. What were the main legal questions in those cases?
- Q.23 Which are the Articles in the United Nations Charter 1945, specifically focuses on the settlement of international disputes?
- Q.24 Write a short note on the Kellogg - Braind Pact 1928.
- Q.25 Discuss how arbitration can be used as a means for peaceful settlement of international disputes between States.
