

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Public International Law**
Semester-VI (Batch: 2016-21)

End Semester Examination: April-May 2019

Date: 2nd May, 2019

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.

Part-A

Marks

Attempt *either* Q.1 or Q.2

Q.1 Answer the following questions:

(5x3=
15)

- (a) Why is the Law of the Sea Convention referred as "Package Convention"?
- (b) Do you agree that establishment of contiguous zone is a fairly ancient practice? Explain.
- (c) Why should general principles of law be considered as primary source of international law? Explain with examples as cited by the ICJ in its case-law.
- (d) Explain how international responsibility is distinct from international obligations of the States. State any four articles from the Articles on Responsibility of States International Wrongful Acts and give one example for each of the articles.
- (e) Who are the chief exponents of Dualism? What are the three reasons advanced by Dualists to assert that international law has no relations whatsoever with municipal law?

Q.2 Provide brief summary on facts and points of law on the following cases/opinion:

(5x3=
15)

- (a) Military and Paramilitary Activities in and against Nicaragua
- (b) Corfu Channel Case
- (c) North Sea Continental Shelf Case
- (d) Rights of Passage over Indian Territory
- (e) US Diplomatic and Consular Staff in Tehran.

Part-B

Answer the following questions:

Q.3 International Law directly or mediately affects our daily life. Enlist 10 ways in which international law affects our daily life.

(06)

Q.4 Recently, Kurds held an independence referendum deciding by an overwhelming majority that they wished to separate from Iraq and form an independent state of Kurdistan. Similarly, the Catalan also voted in an independence referendum in favor of separating from Spain. The Governments of Iraq and Spain have opposed the referenda

(6.5)

and have rejected the Kurds and the Catalan claims for independence.

In view of the above referendums, the Government of India has approached you to provide a legal opinion on the legality of unilateral declaration of Independence violating the territorial integrity of a state under International Law. Write a legal opinion.

- Q.5 Extradition is the principle means for dealing with the fugitive offenders. However in law of extradition, there remain many impediments that can obstruct, or at least complicate or delay the transfer of known or alleged criminals from one state to another for the purpose of bringing them to justice. Elucidate. (6.5)

Part-C

Answer the following questions (*any two*)

- Q.6 'The growing importance of treaties in the orderly conduct of international relations has made increasingly evident the need for clear, well-defined and readily ascertainable rules of International Law applicable to treaties. I believe that the codification of the treaty law formulated by representatives of the international community and embodied in the Vienna Convention meets this end.' (08)

– President Richard Nixon in a message to the US Senate dated Nov 22, 1971

In view of the above statement, explain how VCLT is authoritative guide on treaty law and practice setting out law and procedure for the making, operation, and termination of a treaty.

- Q.7 In considering matters relating the scope of immunity of State Officials from foreign criminal jurisdiction, three main questions are to be addressed, namely: (a) which State officials enjoy immunity from foreign criminal jurisdiction; (b) which acts are covered by such immunity; and (c) whether international law recognizes any exceptions or limitations to that immunity. (08)

In light of the above exposition, explain how State Officials enjoy immunities under International law, distinguishing its application in Pinochet Case and Arrest Warrant Case. Do you think that there are legal gaps which need to be addressed for uniform state practice in granting State officials immunity under International Law? Justify with legal analysis and examples.

- Q.8 Explain how has the ICJ contributed to the use of principle of equity in its law of the sea cases? (08)
