

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Public International Law**
Semester-VI (Batch: 2017-22)

End Semester Online Examination: February 2021

Date: 03rd February, 2021

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: Not more than 1000 words.

- | | Marks |
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| <p>Q.1 At its fifty-sixth session, in 2001, the General Assembly, under the item entitled “Report of the International Law Commission on the work of its fifty-third session”, considered chapter IV of the report of the Commission, which contained the draft articles on responsibility of States for internationally wrongful acts, together with a recommendation that the Assembly take note of the draft articles and that it consider, at a later stage, the possibility of convening an international conference of plenipotentiaries to examine the draft articles on responsibility of States for internationally wrongful acts with a view to concluding a convention on the topic.</p> <p>Till date, regarding future action on the articles, three options are being considered: (1) the negotiation of a convention on the basis of the articles; (2) the adoption of the articles by the General Assembly in the form of a declaration or resolution; or (3) the retention of the articles in their present form with no further action. It has been suggested that any decision on how to proceed with respect to the articles should be done by consensus, given their seminal nature and central importance to public international law.</p> <p>In light of the above statements, explain the scope and relevance of draft articles on responsibility of States in International Law. Do you agree with the arguments of many delegations of states which has supported negotiations of a convention on the basis of the articles, as a convention would contribute to legal certainty, the international rule of law and peaceful international relations or do you support the delegations which indicate that the negotiation of a convention would threaten the delicate balance established in the articles, or dilute their influence. Justify your answer.</p> | (10) |
| <p>Q.2 The laws of extradition have been derived wholly from treaty sources which have resulted in considerable uniformity in respect of certain matters within bilateral treaties and municipal extradition statutes. International law allows states substantial flexibility to set up their municipal legal structure for extraction because of diverse customs and approaches followed by both civil and common law system. In spite of these different approaches the laws of extradition have still been able to develop a body of common principles.</p> | (10) |

Elucidate different legal principles applied in law of extradition and the obstacles it poses in different situations impeding the ability of law enforcement to bring criminal fugitives to justice. Can you suggest measures to overcome such legal challenges?

- Q.3 Discuss relevant case law examples on territorial disputes and discuss the factors used to decide sovereignty in such disputes. (10)
- Q.4 Compare and discuss the judicial reasoning on different issues of international law as reflected in Pinochet Case and Arrest Warrant Case. (10)
- Q.5 The VCLT's rules provide a framework which is sufficiently flexible to accommodate variations in State practice, and important developments in practice. (10)

In view of the above mentioned statement, discuss the relevance of VCLT in the orderly conduct of international relations and the concomitant necessity for having well defined and readily ascertainable rules on international law applicable to the law of treaties.
