

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Public International Law**  
**Semester- IV (Batch: 2018-23)**

**End Semester Online Examination: February 2021**

**Date: 05<sup>th</sup> 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.

<b>Part A</b>		<b>Marks</b>
(Word limit is 600-750 words)		
Q.1	What is state succession? What are the legal consequence of changes of sovereignty over territory? Substantiate your answer with relevant suitable case laws.	(10)
Q.2	China is reclaiming land in seven spots in the South China Sea adding on average more than three-and-a-half acres every day. These islands is one of the most important areas of ocean in the world. The South China Sea is rich in natural resources too, which include 11 billion barrels of oil, 190 trillion cubic feet of natural gas and which contains 10 % of the world's fisheries. Most importantly though, 30% of the world's shipping trade flows through here to the booming population centres and economic markets of South East Asia. It's a very important body of water and right now five including Brunei, Malaysia, the Philippines, Taiwan and Vietnam lay claim to almost all parts of South China Sea. Most countries base their claim off the UN convention for the Law of the Seas (UNCLOS), which says a country's territorial waters extend 200 miles off their shore. In an area called the exclusive economic zone, or EEZ countries have exclusive rights to all the resources and trade in the EEZ. It is their sovereign territory. This has led to escalated tensions in the region and may be a potential major war like situation in the next 5 to 10 years.	(4+3+3=10)
In the light of the relevant provisions of the UNCLOS answer the following		
	a) In a lawsuit against China, frame arguments for and against China, over their claim on the right over the South China Sea. (4 Marks)	
	b) What is the legal position of the international Law of Sea under the UNCLOS on the said dispute in the South China Sea. (3 Marks)	
	c) Suggest suitable options for a Peaceful Settlement of Dispute among the disputing nations. (3 Marks)	
Q.3	Republic of Burundi in claimed restitution and compensation from the Republic of Wakanda on the ground that the latter had acted towards Mr John Mason, a citizen of Republic of Burundi, in a manner contrary to international law. Republic of Wakanda	(5x2=10)

objected to the Court's jurisdiction but the Court overruled this objection. In a second Judgment, the Court held that Republic of Burundi claim was inadmissible on grounds relating to Mr John Mason. Mr J. Mason, who was then a French national, had settled in Republic of Wakanda in 1970 and continued to reside there. In October 1993 while on a visit to Republic of Burundi, he obtained the nationality of Republic of Burundi. Later on he returned to the Republic of Wakanda in 1994, where he resumed his former business activities until his removal as a result of war measures against the Republic of Burundi in 1997.

From the above mentioned facts answer the following question:

- a) Does Republic of Burundi has a legitimate claim over the Republic of Wakanda on the ground that the latter had acted towards Mr John Mason, a citizen of Republic of Burundi, in a manner contrary to international law? Give reasons.
- b) Under Public International law which are the factors determining Nationality? What is their basis?

### **Part B**

(Word limit is 700-800 words)

- Q.4 It is a well-settled principle of Public International Law that a State in order to have a claim to sovereignty, it must prove two elements that must be evidenced to exist; one, an intention coupled with a will to act as sovereign and two, some actual exercise or display of such authority in question. Explain these two elements in the context of State-territory using the following illustration. (10)

State 'A' found a piece of land through its agents and authorities when they were on a mission to certain distant lands outside the reaches of a distant sea from their State. It came to light that this land is a piece of earth that is extremely unfriendly to human life and its sustenance and hence, it was never in the possession of any State or society. It also acquired a nickname of 'Bhooth Praves' where invisible ghost spirits are believed to be dwelling. Agents and authorities of State 'A' upon arrival, fixed a flag post with their National flag on the same day and returned back home. They also took photographs of flag-event and submitted them to the respective offices of their Government. Government of State 'A' set up a research laboratory in their own State to carry out researches to know as to how to make 'Bhooth Praves', a part of their State territory and common livelihood in future.

As an international attorney of your State 'A', what would be your legal advice?

Can State 'A' claim that this piece of land 'Bhooth Praves' is in their custody as they have already fixed a flag post in the land and also established a research laboratory in their State?

- Q.5 Article 1 of the United Nations Charter reads the following: (10)
- The Purposes of the United Nations are:
- To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to

bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

- To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Based on the aforementioned four principles of the United Nations Charter, give five innovative suggestions for a State to follow in order to fulfil the obligations of international cooperation under Public International Law.

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