

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Public International Law**
Semester- IV (Batch: 2020-25)

End Semester Online Examination: May 2022

Date: 09th May, 2022**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: 10 Marks: 700-800 words, 5 Marks: 500-550.

Marks

- Q.1 Compare and contrast the decisions in the *Pinochet* Case and *Arrest Warrant* Case. In doing so clearly set out the key facts, the principles of international law raised by the respective judgments, and their relevance in international law. (10)
- Q.2 As a source of international law, how is Customary International Law (CIL) different from Treaties? Do you agree or disagree with the following statement that CIL is irrelevant today because modern international relations have made treaty a more important tool, relative to CIL, than it has been in the past? Describe your reasoning with relevant examples. (10)
- Q.3 The law of treaties is one of the oldest areas of public international law and it is part and parcel of the international law of coexistence, without which stability and predictability would be difficult to maintain. (10)
In light of the above statement, explain the relevance of the 1969 Vienna Convention on the Law of Treaties (VCLT) which is known as the 'treaty of treaties'. Are there any limitations of VCLT?
- Q.4 The UN General Assembly on 18 December 2019, has adopted a resolution A/RES/74/180 whereby it has been decided to include in the provisional agenda of its seventy-seventh session an item entitled "Responsibility of States for internationally wrongful acts" and to further examine, within the framework of a working group of the Sixth Committee and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the ILC's articles on 'Responsibility of States for Internationally Wrongful Acts 2001'. (10)

The 77th session of the UN General Assembly (UNGA 77) will open on Tuesday, 13 September 2022. The first day of the high-level General Debate will be Tuesday, 20 September 2022.

In view of the above development, the newly appointed Minister of External Affairs has directed you to prepare a brief note explaining the office the basic principles of State Responsibility as reflected in the Articles on Responsibility of States for Internationally Wrongful Acts prepared by the International Law Commission. Additionally, the said office has also requested you to give your opinion on whether the adoption of a Convention on this topic would be appropriate or not.

Advise the Minister.

- Q.5 a) International Community of Nations (ICN) is an intergovernmental organization whose purpose is to maintain international peace and security, develop friendly relations among nations, achieve international cooperation, and be a center for harmonizing the actions of nations. At its founding, the ICN had 51 member states and its membership is now 193, representing almost all of the world's sovereign states (5x2=10)

Deeply concerned by rising violence and tension between State Annexia and the State Anakraine, ICN had appointed ICN envoy for a Peace process. In Jan 2022, ICN envoy was assassinated at State Annexia

Write a legal opinion on the following:

Can the ICN bring a claim forward:

- i) For damage suffered by ICN or caused to ICN Envoy
 - ii) Against a non-member State (Annexia)
- b) What is the legal status of the UN General Assembly Resolutions? Are they binding?
