

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Public International Law**  
Semester- IV (Batch: 2021-26)

**End Semester Examination: May 2023**

**Date: 06<sup>th</sup> May, 2023**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- 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>Marks</b> |
|---|--------------|
| Q.1 International law traditionally has had two components – law deriving from customs (customary international law) and law deriving from international treaties or conventions (conventional international law). Compare and analyse, how treaty and customs create international law. Do you agree that treaties and customs are exhaustive in the creation of international law in the present times? Justify your answer.  | (6)          |
| Q.2 “Sheena” was a State A flagged oil tanker, owned by Shark Tanker SRL, a company incorporated in State A, and operated by another company of State A. The port of registry of “Sheena” was State A. An incident occurred on 1 May 2023 approximately 20.5 nautical miles off the coast of India involving “Sheena”, flying the State A’s flag. The incident in question concerns the killing of two-persons, one is India’s national, and the other is State B’s national on board an Indian vessel named “Rivanta”. It is alleged that State A’s private security forces aboard “Sheena” killed these two persons. India arrested State A’s private security personnel. India and State A have an extradition treaty. Knowing that you are an international law scholar from India, State A has approached you for legal advice. In view of the above-stated facts examine the following questions: Whether India can take criminal jurisdiction under international law over the incident? What will be the basis of the assertion of the jurisdiction of India <i>vis-à-vis</i> State A and State B? Can State A request for extradition from India of State A’s nationals who were private security forces? How does India decide on extradition requests? What if State A proves ‘Rivanta’ was a ‘pirate ship’? In such a case, can India take jurisdiction under law? Give your legal opinion. | (6)          |
| Q.3 Assuming that State A decides to secede from State B and becomes an independent state, what would be the main legal implications and challenges of state succession under international law, if the secession is legal or illegal? In your answer, analyse the relevant international legal norms and principles governing state succession for intergovernmental organization memberships, treaties, nationality, and rules on the continuity of state obligations.  | (6)          |
| Q.4 International <i>Arrest Warrant</i> case is similar to <i>Pinochet</i> case in a number of respects. Both cases dealt with “the struggle between two competing visions of international law”. One vision sees international law as including broadly shared norms and values that involve a commitment to bring impunity for the gravest international crimes to an end, the other  | (6)          |

understands international law's main function as facilitating relations between states which are seen as the principal actors.

In view of the above statement, examine and differentiate *Arrest Warrant* Case and *Pinochet* case.

- Q.5 The general rule is that a state only acquires territory that it actually occupies as a sovereign state. Acquiring state effectuates occupation by taking possession of, and establishing an administration over, the acquired territory. To constitute a valid claim to territory based on occupation, the occupation must be effective. Explain how occupation and prescription are modes of acquiring title to territory in International Law in light of international adjudication of territorial disputes between states. How does the principle of *uti possidetis juris* interact with effective occupation? (6)
- Q.6 Write notes on the following: (4X5=20)
- a) ICJ's Jurisdiction and State Consent for ICJ's jurisdiction
  - b) Recognition of International Legal Personality of the UN
  - c) Relevance of the Vienna Convention on the Law of Treaties 1969 in International Law
  - d) *Nottebohm* case and effective nationality
  - e) Different rights afforded to states in the different maritime zones under the UNCLOS

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