

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Public International Law
Semester-VI (Batch: 2014-19)

Mid Semester Test: Feb-Mar. 2017

Date: 28th February, 2017

Duration: 2 hours

Max. Marks: 30

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

Answer **any two** of the following questions:

Q.1 Explain the differences between the elements of international legal personality of a sovereign state and an inter-governmental organization. (05)

Q.2 “Taiwan is not a member of the United Nations (UN) or its specialized agencies, but it aspires to participate. China opposes this. It argues, correctly, that only sovereign states can enjoy membership in the UN; any state that manages to enter into the UN system as a full member in its own right is seen by the other member states as a fully-fledged independent country. China also claims Taiwan as part of its territory and denies that Taiwan is a sovereign state. China is adamant about preventing recognition of Taiwan as a sovereign state and its membership in the UN system. So far China has been successful in this endeavor. Membership – the highest form of participation – in the United Nations is inextricably linked with the question of sovereignty. Both China and Taiwan are highly aware of this problem, therefore for both sides the question of UN membership and other forms of participation for Taiwan has never lost its sensitivity. However, over time the nature of the question has changed: from a fight about which government – the People’s Republic of China (PRC) with its seat in Beijing or the Republic of China (ROC) with its capital in Taipei – was the sole legitimate representative of China in the world, it has since the early 1990s evolved into consideration of whether the UN would not be able to accommodate both in some way. While Taiwan, since the early 1990s, would favor such a solution, although not necessarily on the basis of full membership status, China adamantly refuses to move away from its position that Taiwan is part of China and thus cannot be represented on its own in the world’s most prestigious and important state-based international organization. China has the advantage in that it is a member of the United Nations, and is one of the five permanent members of the Security Council; it also enjoys increasing international clout outside the UN system” (05)

(The excerpts are quoted from an Article, “Taiwan’s UN Dilemma: To Be or Not To Be”)

In view of above issue, examine the relationship between Statehood and UN Membership.