



BRAINWARE UNIVERSITY

Term End Examination 2022

Programme – LL.B.-2020

Course Name – Public International Law

Course Code - LLB506

(Semester V)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

- (i) Recall the date on which the statute of international criminal court entered into force:
- | | |
|-----------------------|----------------------|
| a) 10th December 2003 | b) 24th October 2002 |
| c) 1st July 2002 | d) 1st January 2003 |
- (ii) Identify the belief of Monistic theory.
- | | |
|--|--|
| a) International Law and Municipal law are intimately connected | b) International law and State Law are two separate laws |
| c) International law needs to be transformed to be applied in the field of Municipal law | d) None of these |
- (iii) Identify which of these is a war crime as classified under the Nuremberg Trial:
- | | |
|--|------------------------------------|
| a) Enslavement | b) Initiation or waging of a war |
| c) Murder or ill-treatment of the prisoners of war | d) Racial or religious persecution |
- (iv) Deduce which of these qualify as an act of aggression by one State against another State?
- | | |
|---|--------------------------------------|
| a) Blockade of Ports or Coasts | b) Bombardment against the territory |
| c) Military occupation of territory or annexation of territory through invasion | d) All of these |
- (v) Identify which of these is not a pacific means of settlement of disputes:
- | | |
|----------------|-----------------|
| a) Arbitration | b) Negotiations |
| c) Blockade | d) Good Offices |
- (vi) Assess under which of these principles included in Article 2 of the UN Charter the enforcement provisions under Chapter VII are an exception:
- | | |
|---|--|
| a) Sovereign equality of all members | b) Peaceful settlement of international disputes |
| c) Non-intervention in internal matters | d) None of these |
- (vii) Propose which of these are subjects under the expanding scope of Public International Law
- | | |
|-----------|----------------|
| a) States | b) Individuals |
|-----------|----------------|

- c) International Organizations
- (viii) Evaluate the nature of the obligation of the peaceful settlement of disputes:
- a) It is an obligation of result, that is, States are under a strict obligation to resolve their disputes as soon as possible
- b) It is an obligation of conduct, i.e. States have an obligation to try to resolve their disputes through peaceful means. This does not entail an obligation to resolve their disputes
- c) It is a peremptory norm of international law and all States have a legal interest to safeguard its application in any given dispute
- d) It is an obligation which concerns solely international courts and tribunals
- (ix) Infer whether armed violence perpetrated by non-State actors can ever amount to an armed attack under Article 51 of UN Charter:
- a) The conduct of non-State actors can never amount to an armed attack
- b) The Caroline case serves as precedent that non-State actors can under particular circumstances commit an armed attack
- c) There is no precedent in international law for the proposition that non-State actors can commit an armed attack
- d) Non-State can both commit an armed attack and possess a right of self-defence under international law.
- (x) Identify which are the main sources of International Law for the Positivists:
- a) International Customs
- b) General Principles of Law Recognized by Civilized States
- c) Juristic Works
- d) Treaties and Customs
- (xi) Choose which one of the following statements is NOT correct?
- a) Customary rules of International Law are diminishing and are being replaced by law making treaties and conventions
- b) States do not deny the existence of International Law. On the contrary, they interpret International Law making so as to justify their conduct.
- c) A great limitation of International Law is that it can not intervene in matters which are within the domestic jurisdiction of states
- d) International Law is positive morality of state having no force
- (xii) Choose the number of conventions that were adopted in the First Conference on the Law of Sea in 1958?
- a) 3
- b) 4
- c) 5
- d) 2
- (xiii) Choose the parties involved in the North Sea Continental shelf Case.
- a) Germany, Denmark, Netherland
- b) Germany, Denmark, France
- c) Germany, UK, Netherland
- d) Finland, Denmark, France
- (xiv) Select under which organization was the Permanent Court of International Justice established:
- a) League of Nations
- b) UNO
- c) European Union
- d) None of these
- (xv) Cite what extradition means.
- a) aggression
- b) War Crime
- c) Dispute resolution
- d) None of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Classify the primary sources and the subsidiary sources of international law. (3)
3. Examine two significant International Tribunals relating to war crimes (3)
4. Articulate at least five main principles relating to war crimes and crimes against humanity as adopted by the General Assembly Resolution 3074 (XXVIII) in 1973 (3)
5. Evaluate which acts constitute as 'acts of aggression' under the UN Charter (3)

6. Compose a short note on the advisory opinion of the International Court of Justice and infer (3)
the nature of its opinion.

OR

Infer the meaning of Population Explosion. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Determine the meaning and legal regime of 'jus cogens' principle. Report a case where a principle of jus cogens has been recognized. (5)
8. Appraise the role of the Security Council in the maintenance of international peace and security with specific reference to Chapter VI and Chapter VII of the UN Charter. (5)
9. Discuss the Positivist school as the true basis of Public International Law (5)
10. Analyze the essential conditions of granting extradition with examples of some Indian cases on extradition. (5)
11. Examine whether International Law is really Law or not (5)
12. Evaluate the expanding scope and subjects of Public International Law. (5)

OR

Appraise the significance of the Economic and Social Council (ECOSOC) given the expanding scope of Public International Law with special reference to social and economic development (5)
