



BRAINWARE UNIVERSITY

Term End Examination 2023

Programme – BBA LL.B.-2019

Course Name – Public International Law

Course Code - BBALLB803

(Semester VIII)

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) Choose the case where the criteria for statehood under international law is given
- | | |
|--------------------------|----------------------------------|
| a) Island of palmas case | b) Covenant of League of Nations |
| c) Montevideo convention | d) None of these |
- (ii) Establish in which of the following cases the International Court of Justice upheld the legitimacy of the baselines method for delimiting the territorial sea in certain coastal waters
- | | |
|-------------------------------------|-------------------|
| a) North sea Continental shelf case | b) Lotus case |
| c) Alabama claims case | d) Fisheries case |
- (iii) Identify the theories which define the relationship between International and domestic law
- | | |
|-------------------------|---------------------------|
| a) Realism and idealism | b) Legalism and pluralism |
| c) Monism and dualism | d) none of these |
- (iv) Select the definition a 'treaty' according to the Vienna Convention on the Law of Treaties
- | | |
|---|--|
| a) Treaties are all agreements concluded between States, international organizations and non-State entities (e.g. corporations) | b) Treaties are agreements concluded between States in written form and governed by international law |
| c) Treaties are both the written and oral agreements between States | d) Treaties are agreements concluded between States in written form governed either by international or domestic law |
- (v) Interpret the meaning of the declaratory theory of recognition
- | | |
|--|---|
| a) Recognition is determinate for the existence of statehood | b) Recognition is simply declaratory of statehood but not determinate |
| c) Recognition is merely a declaration of interest | d) Recognition requires a declaration by the newly-created State |
- (vi) Indicate the means by which the consent of a State to be bound may be expressed

- a) The consent of a State to be bound is expressed only by ratification
- b) The consent of a state to be bound by a treaty may be expressed by signature, ratification, acceptance, approval or accession
- c) The consent of a State to be bound is expressed by signature
- d) The consent of a State to be bound is expressed by signature
- (vii) Identify which is not a source of International Law
- a) Constitution of Sovereign States
- b) Treaties
- c) International Conventions
- d) International Customs and Practices
- (viii) Select 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
- (ix) Interpret 'de jure recognition is _____ and de facto recognition is_____.'
- a) not provisional, not final
- b) provisional, final
- c) final, provisional
- d) not final, not provisional
- (x) Choose the Article of the UN Charter under which the Security Council has the power to use force against the State
- a) Article 41
- b) Article 40
- c) Article 2(4)
- d) Article 42
- (xi) Identify which of these admits a state to the membership of the U.N
- a) the Security Council
- b) the General Assembly
- c) Both
- d) none of these
- (xii) Choose which of these following expressions is not appropriate when we deal with the responsibilities of the security council under chapter 7 of the United Nations charter
- a) Investigative action
- b) Preventive action
- c) Enforcement action
- d) Administrative action
- (xiii) Choose the party on whom the ICJ decisions are binding upon:
- a) All the member states of the United nation
- b) Only the parties to the conflict
- c) The UN non member states
- d) None of these
- (xiv) Interpret the judgement given by the ICJ in the 1996 advisory opinion on the Legality of the Threat of Use of Nuclear Weapons in Armed Conflict on the threat or use of nuclear weapons
- a) It is legal under any circumstances they are resorted to in self-defense
- b) It is illegal under any circumstances
- c) It is legal if a state resorts to these weapons when it feels that its very survival is at stake, provided that such use of the weapons conforms 10 rules relating to self-defense and international humanitarian law
- d) It is legal if resorted to against a state which has persistently committed gross violations of human rights over its citizens
- (xv) Identify the belief of Dualistic 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

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Describe jus cogens (3)
3. Briefly illustrate the qualifications which must be gained by state to be recognised in the international law. (3)
4. Describe the principle of pacta sunt servanda. (3)

5. Examine the advisory opinion of the International Court of Justice and infer the nature of its opinion. (3)
6. Explain and distinguish between the two types of Asylum with case laws (3)
- OR**
- Briefly appraise two specialized agencies of the United Nations (3)

Group-C
(Long Answer Type Questions)

5 x 6=30

7. Explain with the help of a case law that there is no distinction between de facto and de jure recognition for the purpose of giving effects internal acts of recognized authority (5)
8. Evaluate the legal effects of recognition (5)
9. Enumerate the sources of international law. (5)
10. Discuss the concept of continental shelf with reference to 1982 UN Convention and the Indian Maritime Zones Act,1976. (5)
11. 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)
12. Evaluate the expanding scope and subjects of Public International Law. (5)
- OR**
- Evaluate the purposes and principles of the United Nations in the development of international law (5)
