



Roll No																			
---------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MAKE UP EXAMINATION – JAN 2023

Course Code: LAW120

Course Name: Public International Law

Program: B.A./BBA/BCom.LLB

Date: 24-01-2023

Time: 9.30 AM – 12.30 PM

Max Marks: 80

Weightage: 40 %

Instructions:

- (i) Read the all questions carefully and answer accordingly.
(ii) Attempt all questions.

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries 1 mark.

(5Qx 2M= 10M)

1. What are the elements of attainment of Statehood as per the Montevideo Convention of Rights and Duties of States, 1933? (C.O.No.4) [Knowledge]
2. What is meant by the international law principle of sovereign equality of States? (C.O.No.1) [Knowledge]
3. What is the nature of *Jus Cogens* norm? (C.O.No.2) [Knowledge]
4. Discuss the term '*Pacta Sunt Servanda*'. (C.O.No.2) [Knowledge]
5. Discuss the nature of 'General Principles of Law recognized by Civilized Nations' as a source of international law. (C.O.No.2) [Knowledge]

Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries 15 marks.

(2Qx15M=30M)

6. When a new State is created through various types of State Succession, the 'clean slate' rule is applied for the determination of obligations arising from the treaties signed by the predecessor state. Comment. (C.O.No.4)[Comprehension]
7. The relationship between international and national law is often presented as a clash at a level of high theory, usually between 'dualism' and 'monism'. Dualism emphasizes the distinct and independent character of the international and national legal systems, whereas Monism postulates that national and international law form one legal order, or at least a number of interlocking orders which should be presumed to be coherent and consistent. Comment. (C.O.No.3)[Comprehension]

Part C [Problem Solving Questions]

Answer all the Question. Each question carries 20 marks.

(2Qx20M=40M)

8. Thor and Loki are budding international lawyers. They have been closely following Russia- Ukraine Crisis. Russia invaded Ukraine on 24 February 2022, marking a steep escalation of the Russo-Ukrainian War, which began in 2014 following the Ukrainian Revolution of Dignity. The invasion has caused Europe's largest refugee crisis since World War II, with more than 5.6 million Ukrainians leaving the country and a quarter of the population displaced. At the start of the war in 2014, Russia annexed the south Ukrainian region of Crimea, and Russian-backed separatists seized part of the south-eastern regions of Ukraine (in Luhansk and Donetsk oblasts), sparking a regional war. In 2021, Russia began a large military build-up along its border with Ukraine, amassing up to 190,000 troops. In a televised address shortly before the invasion, Russian president Vladimir Putin questioned Ukraine's right to statehood and accused Ukraine of persecuting the ethnic Russian minority in their territory. Russia justified the invasion by invoking the doctrine of responsibility to protect, which places a responsibility on the international community to intervene in the domestic affairs of any country which is committing gross human rights violations against its own population.

Following the news, Loki was devastated. He opined that international law is not a true law. Its structures are redundant and expensive and must be done away with. International Law plays no role in the maintenance of international peace and security and, therefore, must be scrapped.

Thor, on the other hand, believes that international law plays a significant role in the maintenance of peace, security and order in the world. There might be some incidence of the transgression of international law. However, most of the time, countries abide by the norms of international law. It is very much a true and valid law and must be strengthened.

Thor & Loki consider you an authority in the field of international law. They have approached you to reflect on the matter. Decide. (C.O.No.1)[Application]

9. Three countries, namely the X, Y and Z, share the Popular Sea continental shelf. The countries are at loggerheads with each other as each country wants to get the maximum portion of the oil and mineral-rich Popular Sea Continental Shelf. Country X claims that the delimitation of the Popular Sea must be done on the basis of the equitable principle, as the same is the rule of 'customary international law', whereas Country Y and Z claim that the same should be done on the basis of the equidistance principle. The countries have accordingly approached the International Court of Justice. The legal question that the ICJ has to determine is the true nature of 'customary international law'. You being the presiding judge of the International Court of Justice, decide the matter. (C.O.No.2)[Application]