CLAT PG Public International Law Sample Paper – 5

Duration: 40 Minutes **Maximum Marks: 40**

Instructions

- This paper contains **40** Multiple Choice Questions (Single Correct Answer), modelled on the Public International Law portion of **CLAT PG** entrance.
- Each correct answer carries **+1 marks**. There is **a deduction of 0.25 marks per incorrect answer** for incorrect or unattempted answers.
- Only **one** option is correct. Choose carefully.
- Syllabus level: **Public International Law as tested in the CLAT PG entrance examination.**
- Use of mobile phones, calculators, or electronic gadgets is strictly prohibited.

Q1. Which of the following best describes the legal requirements for estoppel to operate as a binding doctrine in public international law?

(A) A state that has consistently and clearly represented a legal position through its conduct or statements, upon which another state has relied to its detriment, is precluded from subsequently asserting a contrary position inconsistent with that representation.

(B) Estoppel in international law operates only when expressly invoked by an international tribunal in its operative clause and cannot arise from the conduct of states alone.

(C) Acquiescence in any course of conduct by another state constitutes positive, express consent and is equivalent in legal force to a formal treaty obligation.

(D) Estoppel can arise and be successfully invoked even in the complete absence of any detrimental reliance by the state invoking it, provided the representation was unambiguous.

Q2. In H.L.A. Hart's jurisprudential framework as adapted by the International Law Commission in its Articles on State Responsibility, which of the following correctly distinguishes primary rules from secondary rules?

(A) Primary rules of international law are exclusively created by multilateral treaties, while secondary rules arise solely from customary international law and general principles.

(B) Primary rules are substantive rules imposing specific obligations on states (e.g., do not use force), while secondary rules determine the conditions under which a breach of a primary rule occurs and the legal consequences that flow from such a breach.

(C) Primary rules apply only to parties to specific bilateral or multilateral treaties, whereas secondary rules operate universally and are enforceable *erga omnes*.

(D) Primary rules concern the jurisdiction and admissibility requirements of international courts, while secondary rules govern the substantive merits of disputes before those courts.

Q3. Which of the following correctly states the role of good faith as recognised under Article 38(1)(c) of the Statute of the International Court of Justice?

(A) Good faith is applicable exclusively as a rule of treaty interpretation under the VCLT and has no independent existence as a general principle of law within the meaning of Article 38(1)(c).

(B) Good faith under Article 38(1)(c) operates as a peremptory norm (*jus cogens*) that admits no derogation and from which no state can be excused under any circumstance.

(C) Good faith constitutes a general principle of law recognised by civilised nations, capable of autonomous application in international adjudication, including as the basis for doctrines such as estoppel, abuse of rights, and the requirement of honest performance of obligations.

(D) Good faith under Article 38(1)(c) is merely a subsidiary means for the determination of rules of law equivalent in status to judicial decisions and the writings of publicists.

Q4. The International Court of Justice, in cases such as *North Sea Continental Shelf* (1969), recognised that the relationship between codification treaties and customary international law is complex. Which of the following most accurately describes that relationship?

(A) A codification treaty entirely displaces and extinguishes the pre-existing customary law rule it codifies, rendering customary law inapplicable even to non-parties from the moment the treaty enters into force.

(B) Once a treaty codifies a customary rule, the customary basis of the obligation ceases to exist as an independent legal source, and states can only invoke the treaty provision.

(C) Codification treaties are legally incapable of generating new customary rules because their function is confined to the recording and systematisation of norms already established by prior state practice.

(D) A treaty may simultaneously perform three distinct functions: codifying pre-existing customary law, crystallising an emerging customary rule at the moment of adoption, and generating new customary rules through subsequent state practice and *opinio juris* that renders them binding on non-parties.

Q5. Under Article 38(1)(d) of the ICJ Statute, judicial decisions and the teachings of the most highly qualified publicists of the various nations are listed among the sources of international law. What is the precise legal status of this category?

(A) They are subsidiary means for the determination of rules of law; they do not constitute binding precedent under a doctrine of *stare decisis* in international law, though decisions of the ICJ carry considerable persuasive authority and are regularly followed in subsequent proceedings.

(B) They constitute a primary source of international law of equivalent authority to treaties and customary international law under Article 38(1).

(C) ICJ judgments, once rendered, are binding *erga omnes* on all states in the international community because the ICJ is the principal judicial organ of the United Nations.

(D) They function as a form of quasi-legislative authority enabling international courts to actively create and codify new rules of international law binding on all states.

Q6. Under Article 32 of the Vienna Convention on the Law of Treaties, *travaux preparatoires* (preparatory works) of a treaty may be used as means of interpretation:

(A) As the primary and preferred means of treaty interpretation whenever the text is ambiguous, obscure, or silent on a particular matter, taking precedence over the ordinary meaning of the terms.

(B) As supplementary means of interpretation, permissible to confirm the meaning resulting from the application of Article 31, or to determine the meaning when interpretation under Article 31 leaves it ambiguous or obscure, or leads to a result that is manifestly absurd or unreasonable.

(C) Only when expressly authorised through a subsequent agreement of all parties to the treaty, adopting the *travaux* as an authentic record of their shared intention.

(D) As a fully equal and interchangeable alternative to the ordinary meaning of terms, allowing a tribunal to prefer *travaux* over text whenever the *travaux* appear to reflect the parties' subjective intent more clearly.

Q7. Under Article 60 of the Vienna Convention on the Law of Treaties, a "material breach" of a bilateral treaty by one party entitles the other party to invoke the breach as a ground for terminating or suspending the treaty. Article 60(3) defines a material breach as:

(A) Any breach of a treaty obligation, however minor, if it is committed repeatedly or in a systematic manner that demonstrates a pattern of non-compliance by the defaulting state.

(B) A breach that the injured party subjectively and reasonably considers to be fundamental to its continued participation in the treaty, as evidenced by a formal diplomatic protest.

(C) Either a repudiation of the treaty not sanctioned by the present Convention, or the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

(D) Any breach that the defaulting state has not remedied within thirty days of receiving a formal notification from the injured party demanding compliance.

Q8. Which of the following correctly distinguishes the legal effects of the "suspension" of a treaty from its "termination" under the Vienna Convention on the Law of Treaties?

(A) Termination extinguishes only future treaty obligations from the date of termination, while suspension extinguishes both past and future obligations retroactively with permanent effect.

(B) Under the VCLT, a treaty may be suspended only upon the unanimous agreement of all parties, while termination may be effected unilaterally by any party at any time upon reasonable notice.

(C) Suspension and termination are legally identical in their ultimate effect, differing only in whether the state characterises its decision as permanent or temporary at the time it acts.

(D) Suspension temporarily releases the parties from the obligation to perform the treaty during the period of suspension without otherwise affecting the legal relations established by the treaty, whereas termination brings the treaty permanently to an end and dissolves the legal relations it established, subject to Article 70 of the VCLT.

Q9. State X and State Y are both parties to Treaty A and to Treaty B, which covers the same subject matter. Treaty B was concluded later and contains no provision addressing its relationship to Treaty A. Under Article 30(3) of the Vienna Convention on the Law of Treaties, which of the following rules governs the conflict between the two treaties as between States X and Y?

(A) As between parties that are party to both treaties, the later treaty (Treaty B) prevails over the earlier treaty (Treaty A) to the extent of any incompatibility between their respective provisions.

(B) Treaty A prevails over Treaty B in all circumstances because it represents the original and earlier expression of the parties' consent and is not to be displaced by implication.

(C) Both treaties apply simultaneously with equal force, and a state may choose which treaty to invoke on a case-by-case basis depending on which treaty is more favourable to its position.

(D) Any conflict between successive treaties on the same subject matter must be referred automatically to the International Law Commission or the ICJ for a binding determination of priority.

Q10. Article 31(1) of the Vienna Convention on the Law of Treaties provides: "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose." Which of the following most accurately describes the interpretive function of the good faith requirement in this provision?

(A) Good faith under Article 31(1) is operative only when the ordinary meaning of the treaty terms is already clear and unambiguous; where there is genuine ambiguity, the interpreter must instead resort to the supplementary means in Article 32.

(B) Good faith is the overarching standard that must animate the entire process of treaty interpretation, integrating the ordinary meaning of terms, their context, and the object and purpose of the treaty into a holistic and unified interpretive exercise rather than a mechanical sequential operation.

(C) The ordinary meaning of terms under Article 31(1) is merely one of several equally weighted criteria, and a tribunal may freely prioritise the object and purpose of the treaty over textual clarity whenever doing so appears to serve the treaty's goals.

(D) Good faith interpretation under Article 31(1) requires a tribunal to identify and give effect to the subjective, shared intention of each state party at the precise moment of signature of the treaty.

Q11. Under Article 24 of the ILC Articles on Responsibility of States for Internationally Wrongful Acts (2001), the circumstance of "distress" may preclude the wrongfulness of a state's conduct. Which of the following correctly states the conditions for its application?

(A) Distress is available as a circumstance precluding wrongfulness whenever a state faces a grave and imminent peril to one of its essential interests, including its economic stability and national security.

(B) The circumstance of distress is available only where the situation of distress was caused by a prior internationally wrongful act committed by the state against which the defence is invoked.

(C) Distress applies when the author of the act in question had no other reasonable means in a situation of distress of saving the author's life or the lives of other persons entrusted to the author's care, provided that the act does not create a comparable or greater peril, and that the state of distress has not contributed to the situation.

(D) A state invoking distress must provide full and prompt compensation to the injured state for any material or non-material loss arising from the act for the defence to be legally operative.

Q12. Under Article 10 of the ILC Articles on State Responsibility, which of the following correctly states when the conduct of an insurrectional or other movement is attributable to a state?

(A) The conduct of an insurrectional movement is attributable to the territorial state whenever the movement operates within that state's territory, regardless of whether the movement ultimately succeeds or fails.

(B) The conduct of an insurrectional movement is attributable to the established government only if that government covertly supported or directed the movement at the time the conduct in question took place.

(C) Attribution under Article 10 applies exclusively where the insurrectional movement ultimately fails to seize power and the established government re-asserts full territorial control.

(D) The conduct of an insurrectional or other movement that subsequently becomes the new government of a state is attributable to that state; similarly, the conduct of a movement that succeeds in establishing a new state in part of the territory of an existing state is attributable to the new state from the moment of its establishment.

Q13. State Alpha provides logistical support and intelligence to State Beta, knowing that State Beta intends to use that assistance to conduct a military attack on State Gamma in violation of the prohibition on the use of force. Under Article 16 of the ILC Articles on State Responsibility, which additional condition must be satisfied for State Alpha to bear international responsibility for its aid or assistance?

(A) State Alpha must have had knowledge of the circumstances of State Beta's internationally wrongful act, and the act would have to constitute an internationally wrongful act if performed by State Alpha itself under the same circumstances.

(B) State Alpha must have expressly directed or coerced State Beta to commit the wrongful act; mere facilitation without a command relationship is insufficient to establish shared responsibility.

(C) State Alpha must have derived a direct and quantifiable material benefit from State Beta's internationally wrongful conduct before the aid-or-assistance rule under Article 16 is triggered.

(D) There must be a pre-existing treaty or special agreement between State Alpha and State Gamma expressly imposing responsibility on third-party states for assistance rendered to an aggressor.

Q14. Under Article 37 of the ILC Articles on State Responsibility, "satisfaction" as a form of reparation for an internationally wrongful act:

(A) Is the primary and preferred form of reparation under general international law and must be offered and accepted before a state may claim compensation or restitution.

(B) Is available in respect of injury that cannot be made good by restitution or compensation alone, and may consist of an acknowledgment of the breach, an expression of regret, a formal apology, or other appropriate modality, subject to the proviso that satisfaction shall not be disproportionate to the injury and shall not take a form humiliating to the responsible state.

(C) Requires the responsible state to pay a symbolic monetary sum to the injured state as a formal mark of acknowledgment of its wrongful conduct, in addition to any compensation for material damage.

(D) Is a form of reparation available exclusively in cases involving violations of diplomatic and consular privileges and immunities, given the particular gravity of such violations for inter-state relations.

Q15. Under the United Nations Convention on the Law of the Sea (1982), which of the following correctly distinguishes the "normal baseline" from "straight baselines"?

(A) The normal baseline is drawn between the outermost permanently exposed points of the coast at any state of the tide, while straight baselines may be used by any coastal state at its unilateral discretion without geographical justification.

(B) Straight baselines are permitted exclusively for archipelagic states as defined in Part IV of UNCLOS and may not be employed by other coastal states with indented or fringe-island coasts.

(C) The normal baseline is the low-water line along the coast as marked on large-scale charts officially recognised by the coastal state; straight baselines may be employed by a coastal state where the coastline is deeply indented and cut into, or where there is a fringe of islands along the coast in its immediate vicinity, provided that the method does not depart to any appreciable extent from the general direction of the coast.

(D) Both the normal and straight baseline methods are equally valid alternatives available to any coastal state as a matter of absolute discretion, and the choice between them has no legal consequences for the extent of maritime zones.

Q16. Under Article 69 of UNCLOS, landlocked states are granted certain rights regarding the living resources of the exclusive economic zones of other states. Which of the following correctly states the scope of these rights?

(A) Landlocked states have an absolute right of free navigation through the territorial seas and exclusive economic zones of all neighbouring coastal states, including full fishing rights without quota restrictions.

(B) Landlocked states are entitled to demand the establishment of a jointly administered EEZ over high seas areas adjacent to their coastlines as compensation for their lack of direct maritime access.

(C) Landlocked states enjoy full and unconditional access to the entire surplus of living resources of any neighbouring coastal state's EEZ and may harvest those resources as of right without bilateral negotiation.

(D) Landlocked states have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal states of the same subregion or region, taking into account all relevant economic and geographical circumstances of all the states concerned.

Q17. Under Article 101 of UNCLOS, which of the following elements must be cumulatively present for an act to constitute piracy *jure gentium* and thereby attract universal jurisdiction under Article 105?

(A) The act must consist of illegal acts of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship or aircraft, directed against another ship or aircraft or persons or property on board, on the high seas or in a place outside the jurisdiction of any state.

(B) The act of piracy may be committed for any purpose, including political purposes, by any ship or aircraft operating beyond the outer limit of the territorial sea of any state.

(C) Universal jurisdiction over piracy attaches to any act of violence committed at sea by persons acting without the authorisation of any state, regardless of the location of the attack or the nature of the vessel.

(D) Piracy *jure gentium* requires that the attacking vessel and the victim vessel must be registered in different states, and the act must occur within the exclusive economic zone of a coastal state.

Q18. Which of the following correctly states the obligations of the coastal state regarding conservation and utilisation of living resources in its Exclusive Economic Zone under Articles 61 and 62 of UNCLOS?

(A) The coastal state has an absolute and unconditional sovereign right to harvest all living resources within its EEZ and is under no international legal obligation to permit any other state access to those resources.

(B) The coastal state shall determine the allowable catch of living resources in its EEZ, promote the objective of optimum utilisation, and where it does not have the capacity to harvest the entire allowable catch, shall give other states access to the surplus of the allowable catch through agreements, with due regard to all relevant factors including the needs of developing states.

(C) Once a coastal state declares an EEZ, it must distribute all living resources within that zone equally among all states making formal access requests, without preferential treatment based on geography.

(D) The coastal state's conservation and management obligations under Articles 61–62 apply exclusively to highly migratory species shared with neighbouring states and have no application to sedentary or demersal species found within the EEZ.

Q19. The principle of *aut dedere aut judicare* in international law imposes which of the following obligations on a state in whose territory an alleged offender is found?

(A) The state is legally prohibited from exercising jurisdiction over nationals of any foreign state in respect of crimes committed abroad, regardless of the severity of the offence or the existence of a treaty obligation.

(B) A state that extradites an individual charged with a serious international crime is thereby released from all further obligations to investigate, prosecute, or punish the offender in connection with that crime.

(C) A state that does not extradite an alleged offender present in its territory is under an obligation to submit the case to its competent authorities for the purpose of prosecution, without exception and without undue delay, the obligation arising from treaty or, in limited cases, from customary international law.

(D) All states bear an absolute obligation under customary international law to extradite without condition any individual accused of crimes against humanity, genocide, or war crimes, regardless of whether a bilateral extradition treaty exists between the relevant states.

Q20. Which of the following correctly distinguishes immunity *ratione personae* from immunity *ratione materiae* in the context of state immunity under customary international law?

(A) Immunity *ratione personae* applies exclusively to former heads of state after they have left office, protecting only unofficial acts; immunity *ratione materiae* applies exclusively to serving heads of state during their tenure.

(B) Both forms of immunity protect officials from all acts, whether official or private, but immunity *ratione personae* lasts only for the duration of the term of office while immunity *ratione materiae* persists permanently for all acts committed before, during, or after the term of office.

(C) Immunity *ratione personae* applies only to acts performed in an official state capacity, while immunity *ratione materiae* covers all acts of the official whether performed in a private or public capacity.

(D) Immunity *ratione personae* attaches to the holder of a senior office (such as head of state, head of government, or foreign minister) and provides full and absolute protection from foreign jurisdiction in respect of all acts during tenure; immunity *ratione materiae* attaches to acts performed in an official state capacity and subsists after an official leaves office, but only in respect of those official acts.

Q21. Under Article 27 of the Vienna Convention on Diplomatic Relations (1961), which of the following correctly describes the legal regime governing the diplomatic bag?

(A) The diplomatic bag shall not be opened or detained; it must be accompanied by visible external marks indicating its character; it may contain only diplomatic documents or articles intended for official use; and all packages constituting the diplomatic bag must bear such visible external marks.

(B) The receiving state may open the diplomatic bag if it has reasonable and articulable grounds to suspect the bag contains articles whose importation or exportation is prohibited by law, provided the opening takes place in the presence of an authorised representative of the sending state.

(C) The diplomatic bag is subject to routine customs inspection and screening by the receiving state at all designated ports of entry, provided the inspection does not involve physical opening of sealed pouches.

(D) The inviolability of the diplomatic bag applies only where a direct, dedicated diplomatic pouch service has been formally established by agreement between the sending and receiving states.

Q22. Under Article 32 of the Vienna Convention on Diplomatic Relations, waiver of diplomatic immunity:

(A) May be effected by the diplomatic agent personally, provided the waiver is made in an express written instrument formally communicated to the competent authorities of the receiving state.

(B) Must always be made by the sending state; the waiver must be express; and waiver of immunity from jurisdiction does not imply waiver of immunity in respect of the execution of any judgment, for which a separate waiver is required.

(C) May be effected either by the sending state or, at the diplomatic agent's own discretion, by the diplomatic agent himself; any such waiver automatically extends to the enforcement of any resulting civil or criminal judgment.

(D) May be effected unilaterally by the receiving state acting alone whenever the diplomatic agent commits a serious criminal offence on the territory of the receiving state, in order to protect public order.

Q23. Under Article 39 of the Vienna Convention on Diplomatic Relations, which of the following correctly states the duration of privileges and immunities following the end of a diplomatic agent's mission?

(A) All privileges and immunities of a diplomatic agent cease absolutely and immediately upon the formal issuance of the recall notice by the sending state to the Ministry of Foreign Affairs of the receiving state.

(B) Privileges and immunities continue in their entirety for a fixed period of six months after the mission formally ends, regardless of whether the diplomatic agent has left the territory of the receiving state.

(C) Privileges and immunities normally cease when the diplomatic agent leaves the receiving state, or on expiry of a reasonable period in which to do so; however, immunity continues with respect to acts performed by that person in the exercise of his functions as a member of the mission, and such immunity persists even after the person has ceased to be a member of the mission.

(D) Privileges and immunities continue indefinitely and in full for any retired diplomatic agent who establishes permanent domicile in the receiving state, as a matter of humanitarian consideration and longstanding diplomatic practice.

Q24. Under the Vienna Convention on Consular Relations (1963), the "Dean of the Consular Corps" in a receiving state is:

(A) A representative elected by all heads of consular posts by majority vote of the consular corps, who serves a fixed renewable term of two years.

(B) The head of consular post who has resided continuously in the receiving state for the longest uninterrupted period, without regard to the class of consular post held.

(C) Always the consul-general of the state that currently holds the rotating presidency of the United Nations Security Council in any given calendar month.

(D) The head of the consular post who ranks first in the class of heads of consular post to which he belongs, in accordance with the precedence established by Article 16 of the VCCR, determined by the date and time on which he assumed his functions following notification of arrival to the receiving state.

Q25. Under Articles 62 to 66 of the United Nations Charter, the Economic and Social Council (ECOSOC) is empowered to:

(A) Make or initiate studies and reports, and make recommendations to the General Assembly, to the members of the United Nations, and to the specialised agencies concerned, on international economic, social, cultural, educational, health, and related matters; prepare draft conventions for submission to the General Assembly; and call international conferences on matters falling within its competence.

(B) Impose legally binding economic sanctions on states that violate their international obligations in the fields of trade, finance, and sustainable development, subject to Security Council oversight.

(C) Override the recommendations of the specialised agencies of the United Nations system whenever ECOSOC determines that such recommendations are inconsistent with the purposes and principles of the United Nations Charter.

(D) Directly authorise the Secretary-General to deploy emergency humanitarian and peacekeeping missions in response to grave humanitarian crises, bypassing the Security Council in situations of urgent necessity.

Q26. The Uniting for Peace Resolution (General Assembly Resolution 377(V), 3 November 1950) was designed to address which structural problem in the UN collective security system, and what mechanism did it establish?

(A) It established a permanent United Nations standby military force under the direct command of the Secretary-General, to be deployed automatically whenever the Security Council was rendered inactive by the exercise of the veto.

(B) It provided that where the Security Council, because of lack of unanimity of its permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall meet in emergency special session within twenty-four hours to consider the matter and make recommendations, including for the use of armed force when necessary.

(C) It amended the United Nations Charter by a two-thirds vote of the General Assembly to remove the veto power of permanent members in cases where the ICJ had made a finding of aggression against any of them.

(D) It delegated the Security Council's Chapter VII enforcement authority to regional organisations under Article 53 of the Charter in all cases where the Council was unable to act by reason of a permanent member's veto.

Q27. Article 2(2) of the United Nations Charter provides that all members shall fulfil in good faith the obligations assumed by them in accordance with the present Charter. Which of the following most accurately describes the legal significance of this principle?

(A) The good faith obligation under Article 2(2) means that any breach of any Charter obligation by a member state automatically and immediately triggers the collective security mechanism under Chapter VII of the Charter.

(B) The principle of good faith under Article 2(2) is directly and individually enforceable in the ICJ at the suit of any other member state that alleges a subjective failure of sincerity, regardless of whether a concrete legal obligation has been breached.

(C) Article 2(2) establishes that member states must discharge their Charter obligations sincerely and in a manner genuinely consistent with the obligations' underlying purpose; the principle is reaffirmed in the 1970 Declaration on Principles of International Law (UNGA Res. 2625(XXV)) and is regarded as a foundational principle of the international legal order.

(D) The principle of good faith in Article 2(2) confers on the General Assembly adjudicative jurisdiction to determine whether a member state has failed to fulfil its Charter obligations in good faith and to impose consequences accordingly.

Q28. Which of the following correctly describes the voting structure of the International Monetary Fund and the World Bank Group (International Bank for Reconstruction and Development), and explains how it differs from the one-state-one-vote principle applicable in the United Nations General Assembly?

(A) Both the IMF and the World Bank apply the one-state-one-vote principle to reflect sovereign equality of all member states, which is the same fundamental principle applied in the United Nations General Assembly.

(B) The IMF and the World Bank apply strict sovereign equality in all governance decisions, while it is the UN General Assembly that employs a form of weighted voting for resolutions with significant budgetary implications.

(C) Both institutions allocate each member state a fixed number of basic votes supplemented by votes calculated according to the nominal gross domestic product of each member state, regardless of financial contribution.

(D) In both the IMF and the World Bank, voting power is weighted primarily according to each member's financial quota (IMF) or subscribed capital shares (World Bank), reflecting the member's relative economic weight and financial contribution to the institution, thereby departing from the principle of formal sovereign equality in decision-making.

Q29. The principle of *res judicata* as applied in international adjudication means that:

(A) A final judgment on the merits rendered by an international tribunal is conclusive and binding as between the same parties in respect of the same subject matter and the same legal grounds, such that neither party may relitigate the decided issues in subsequent proceedings before the same or another international tribunal.

(B) Any judgment rendered by the International Court of Justice automatically creates obligations *erga omnes* binding on all states in the international community, regardless of whether they were parties to the proceedings.

(C) An arbitral award rendered in investor-state proceedings is automatically enforceable in the domestic courts of all states without the requirement of any further exequatur proceedings.

(D) A state may not institute new proceedings before the ICJ unless all prior related international disputes involving the same parties have been finally resolved by the Security Council acting under Chapter VI of the UN Charter.

Q30. Which of the following correctly distinguishes the right of intervention under Article 62 from that under Article 63 of the Statute of the International Court of Justice?

(A) Both Articles 62 and 63 confer an absolute, unconditional right of intervention on any state that requests it; the only difference is the procedural stage at which the application for intervention must be filed.

(B) Under Article 62, a state that considers it has a legal interest of a nature which may be affected by the decision may apply to intervene, but admission is subject to the Court's discretion; under Article 63, a state party to a convention whose construction is in question has the right to intervene as of right, though if it does so, the construction given by the judgment will be equally binding upon it.

(C) Article 62 applies exclusively to disputes involving the interpretation of multilateral treaties, while Article 63 applies to all other categories of dispute before the ICJ.

(D) A state admitted to intervene under Article 63 becomes a full party to the proceedings and is thereby bound by the judgment in its entirety, including on issues extending beyond the interpretation of the relevant convention.

Q31. Under Article 25 of the ICSID Convention (Convention on the Settlement of Investment Disputes between States and Nationals of Other States, 1965), the jurisdiction of the Centre extends to:

(A) Any commercial dispute arising between a private investor and any state, regardless of whether the investor's home state is a party to the ICSID Convention or whether the parties have given written consent to ICSID jurisdiction.

(B) Disputes between states arising out of bilateral investment treaties and multilateral trade and investment agreements, but not disputes between a private investor and the host state directly.

(C) Any legal dispute arising directly out of an investment, between a Contracting State (or any constituent subdivision or agency of a Contracting State designated by that State) and a national of another Contracting State, which the parties to the dispute consent in writing to submit to the Centre.

(D) Any dispute involving alleged failure to comply with a bilateral investment treaty by the host state, irrespective of whether the investor has provided prior written consent to ICSID arbitration, where the BIT itself contains an ICSID clause.

Q32. Under Article 51(5)(b) of Additional Protocol I to the Geneva Conventions (1977), an attack is treated as indiscriminate and therefore prohibited when:

(A) The attack is directed at civilian objects that happen to be situated in the same geographic zone as a legitimate military objective, without any further requirement of expected damage or military gain.

(B) The attack may cause any incidental civilian casualties whatsoever, however small, regardless of the concrete and direct military advantage anticipated from the attack.

(C) The attack employs a weapon system that is, by its nature, incapable of distinguishing between military and civilian objects, even if the specific target chosen is a legitimate military objective.

(D) The attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated from the attack as a whole.

Q33. Which of the following correctly describes the international treaty framework governing the prohibition of biological and chemical weapons?

(A) The Biological Weapons Convention (1972) prohibits the development, production, stockpiling, and retention of biological and toxin weapons and requires their destruction, but contains no formal verification mechanism; the Chemical Weapons Convention (1993) additionally prohibits the use of chemical weapons and establishes the OPCW to conduct systematic verification and destruction.

(B) Both the Biological Weapons Convention and the Chemical Weapons Convention provide comprehensive and equivalent verification mechanisms administered by a single shared international organisation with mandatory on-site inspection powers.

(C) The prohibition on the use of chemical weapons arises exclusively from customary international law pre-dating the CWC, while the prohibition on biological weapons has no recognised treaty basis and remains governed entirely by the customary prohibition on unnecessary suffering.

(D) The Chemical Weapons Convention permits states to retain small and declared quantities of toxic chemical agents for purposes of research, protection, and law enforcement, while no analogous exception exists under the Biological Weapons Convention for any category of biological agent.

Q34. The doctrine of "combatant immunity" under international humanitarian law means that:

(A) Lawful combatants enjoy absolute and unconditional immunity from criminal prosecution for all acts committed during the course of armed conflict, including acts that violate the laws and customs of war, because all military conduct is protected by belligerent privilege.

(B) Lawful combatants who satisfy the conditions established in Article 4 of the Third Geneva Convention or Article 43 of Additional Protocol I are exempt from prosecution under the domestic law of the capturing state for acts that comply with international humanitarian law, and retain prisoner-of-war status upon capture entitling them to the protections of the Third Convention.

(C) Combatant immunity under international humanitarian law extends equally to members of irregular armed forces and non-state armed groups that exercise effective territorial control, even where those groups do not satisfy the formal conditions for lawful belligerency.

(D) The doctrine of combatant immunity applies with equal force in both international armed conflicts and non-international armed conflicts as a consolidated rule of treaty and customary international humanitarian law.

Q35. Which of the following correctly describes the institutional relationship between the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) within the Inter-American human rights system?

(A) The IACtHR is the primary principal organ of the Organization of American States responsible for the promotion and protection of human rights, while the IACHR functions exclusively as an advisory body with no competence to receive individual petitions or exercise contentious jurisdiction.

(B) Both the IACHR and the IACtHR exercise identical and independent contentious jurisdiction; an individual victim may submit a case directly to the IACtHR at any time, bypassing the IACHR's prior examination entirely.

(C) The IACHR is an autonomous organ of the OAS with broader personal jurisdiction, able to receive petitions against all OAS member states regardless of whether they have ratified the American Convention on Human Rights; the IACtHR exercises contentious jurisdiction only over states that have accepted it by declaration, and cases are referred to the Court only after proceedings before the IACHR have been concluded.

(D) The IACtHR exercises compulsory contentious jurisdiction over all OAS member states by virtue of their membership in the OAS, and its judgments are directly enforceable in the domestic courts of all member states without further implementing action.

Q36. Article 1 of the International Covenant on Civil and Political Rights (1966) declares that "all peoples have the right of self-determination." Which of the following most accurately describes the scope and legal limitations of this right as recognised under international law?

(A) The right of self-determination unconditionally and automatically entitles any ethnic, linguistic, or religious group within an existing sovereign state to pursue external self-determination, including unilateral secession, without any requirement to exhaust other remedies.

(B) Article 1 of the ICCPR creates a collective right that is enforceable only through the inter-state complaints procedure under Article 41 of the Covenant and cannot be the subject of an individual communication to the Human Rights Committee.

(C) The right of self-determination under Article 1 is temporally and substantively limited to colonial peoples seeking independence from European colonial powers and has no legal content applicable to peoples within existing post-colonial sovereign states.

(D) The right of self-determination under Article 1 encompasses both internal self-determination—the right of peoples to pursue political, economic, social, and cultural development within the framework of an existing state—and external self-determination; however, the latter is generally confined to colonial or analogous situations, or cases of gross and systematic denial of internal self-determination that leave no other effective remedy.

Q37. The "effectiveness doctrine" as applied to the recognition of governments in international law holds that:

(A) A new government should be recognised when it demonstrably exercises effective control over the territory and population of the state on a stable and permanent basis, treating actual factual control rather than constitutional legitimacy or the manner of coming to power as the primary criterion.

(B) Recognition must be withheld by all states from any government that came to power through unconstitutional means such as a coup d'état, as a matter of the duty of non-recognition of illegal situations under international law.

(C) A new government can be legitimately recognised by other states only after the United Nations General Assembly has adopted a resolution certifying the government's legitimate and representative character.

(D) The effectiveness doctrine applies exclusively to the recognition of new states satisfying the Montevideo criteria and has no application to the recognition of new governments within an existing recognised state.

Q38. Under the ILC's 1999 Draft Articles on Nationality of Natural Persons in Relation to the Succession of States, which of the following correctly states the primary obligation of a successor state regarding nationality?

(A) The successor state must grant its nationality to all persons who held the nationality of the predecessor state at the date of succession, irrespective of where those persons were habitually resident at that date.

(B) The successor state is under an obligation to grant its nationality to persons who, at the date of the succession of states, had their habitual residence in the territory over which the succession of states has occurred, with a view in particular to preventing statelessness as a consequence of succession.

(C) Persons habitually resident in the transferred territory automatically retain the nationality of the predecessor state as a matter of right, unless and until they voluntarily opt for the nationality of the successor state.

(D) The obligation to confer nationality on inhabitants of the transferred territory arises only in cases of complete dissolution of the predecessor state and does not apply where the predecessor state continues to exist in a reduced form.

Q39. Principle 21 of the 1972 Stockholm Declaration on the Human Environment, which has been described by the ICJ as reflecting customary international law, establishes that:

(A) States have the sovereign right to exploit their natural resources pursuant to their national environmental and developmental policies, but bear no international legal responsibility for environmental damage caused to third states or areas beyond national jurisdiction by activities within their own territory.

(B) International environmental law may only be developed and codified through multilateral treaty negotiations under the auspices of the United Nations and may not be derived from general principles of law or customary international law.

(C) States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

(D) The no-harm rule under Principle 21 is a principle of *lex specialis* applicable only between states that share a common border or a common natural resource such as a river, lake, or airspace.

Q40. The ILC Articles on the Responsibility of International Organizations (ARIO, 2011) differ from the ILC Articles on State Responsibility (ASR, 2001) in which of the following fundamental respects?

(A) The ARIO does not recognise any circumstances precluding wrongfulness in favour of international organisations because such organisations, lacking sovereignty, cannot invoke the defences of necessity, force majeure, or distress that are available to states under the ASR.

(B) Attribution of conduct to an international organisation under the ARIO is governed by rules identical in all respects to the rules of attribution applicable to states under the ASR, with no modifications to reflect the distinctive nature of international organisations.

(C) The ARIO exclusively addresses the secondary responsibility of member states of international organisations for failures of control and does not recognise any primary, direct responsibility of the organisation itself as a subject of international law.

(D) The ARIO recognises that international organisations can bear direct and primary international responsibility for internationally wrongful acts attributable to them, separately from any responsibility of their member states; the rules of attribution under the ARIO take into account the specific powers, functions, and rules of the organisation, in particular with respect to conduct of organs placed at the disposal of the organisation by its members.

Detailed Solutions

Q1.

Solution

Concept — Estoppel and Acquiescence in International Law: Estoppel is an equitable principle derived from domestic legal systems and recognised as a general principle of law under Article 38(1)(c) of the ICJ Statute. In international law, its essential elements are: (i) a clear and consistent representation or conduct by one state; (ii) reliance on that representation by another state; and (iii) detriment suffered by the relying state as a consequence. The ICJ affirmed these requirements in *Temple of Preah Vihear* (1962) and *North Sea Continental Shelf* (1969).

Analysis: Option (A) is correct because it precisely identifies all three constitutive elements of estoppel: a consistent representation, reasonable reliance by the other party, and detriment. Without detriment (or prejudice), estoppel cannot operate, as the ICJ has consistently held. Acquiescence, while a related concept, is a form of implicit consent and may support an estoppel argument when combined with the other elements.

Why other options are wrong:

- Option B: Estoppel arises from the conduct of states themselves and does not require express invocation by a tribunal; tribunals recognise it as a legal consequence of state behaviour.
- Option C: Acquiescence does not equate to positive, express consent; it is a form of tacit or implied consent that may create estoppel only when combined with reliance and detriment.
- Option D: Detrimental reliance is a necessary element of estoppel in international law; without it, the doctrine simply does not arise.

Final Answer: Estoppel requires representation, reliance, and detriment — all three elements must be present $\Rightarrow \boxed{A}$

Answer: (A) Go Back to Q1

Q2.

Solution

Concept — Primary and Secondary Rules (Hart / ILC Framework): H.L.A. Hart in *The Concept of Law* (1961) distinguished primary rules (which impose duties) from secondary rules (which confer powers and determine the conditions for creating, modifying, and adjudicating primary rules). The ILC adopted a modified version of this distinction in the Articles on State Responsibility: primary rules are the substantive obligations of states under international law; secondary rules are the rules that determine whether a breach of a primary rule has occurred and what consequences follow.

Analysis: Option (B) is correct because it accurately captures the ILC's working distinction. The Commentary to the ASR (General Commentary, para. 1) explicitly states that the Articles deal only with secondary rules — the general conditions for responsibility — and leave the content of primary obligations to the substantive rules of international law.

Why other options are wrong:

- Option A: The primary/secondary distinction is not based on the source (treaty vs. custom) of the rules but on their function (obligation-imposing vs. consequence-determining).
- Option C: Both primary and secondary rules can be universal or treaty-specific; the distinction is functional, not based on the scope of application.
- Option D: The distinction has nothing to do with jurisdiction or admissibility; it concerns the content of obligations versus the consequences of their breach.

Final Answer: Primary rules impose obligations; secondary rules govern conditions and consequences of breach $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q2

Q3.

Solution

Concept — Good Faith as a General Principle of Law (Art. 38(1)(c)): Article 38(1)(c) of the ICJ Statute authorises the Court to apply "the general principles of law recognised by civilised nations." Good faith is one of the most consistently recognised of these general principles, appearing in virtually every major domestic legal system. In international law, it underlies doctrines such as estoppel, abuse of rights, *venire contra factum proprium*, and the obligation to negotiate in good faith, as recognised in *Nuclear Tests* (1974) and *Border and Transborder Armed Actions* (1988).

Analysis: Option (C) is correct because good faith has autonomous existence as a general principle under Article 38(1)(c), independent of any specific treaty rule. It is not merely a treaty interpretation canon, nor a *jus cogens* norm, nor a subsidiary means. The ICJ has applied it as an independent basis for legal obligations.

Why other options are wrong:

- Option A: Good faith operates well beyond treaty interpretation; it is an autonomous general principle applicable across all areas of international law.
- Option B: Good faith is not a *jus cogens* norm; it is a general principle of law under Article 38(1)(c), a different and lower category of norm.
- Option D: Judicial decisions and the writings of publicists are the subsidiary means under Article 38(1)(d); good faith under 38(1)(c) is a primary source, not subsidiary.

Final Answer: Good faith is an autonomous general principle of law applicable in international adjudication $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q3

Q4.

Solution

Concept — Codification Treaties and Customary International Law: The ICJ in *North Sea Continental Shelf* (1969) identified three distinct functions that a multilateral treaty may perform in relation to customary law: (1) it may declaratory codify a pre-existing customary rule; (2) it may crystallise an emerging or nascent customary rule at the moment of adoption; (3) it may generate new customary rules through post-adoption state practice accompanied by *opinio juris*, making those rules binding on non-parties.

Analysis: Option (D) correctly captures all three functions identified by the ICJ. This is significant because non-parties to a codification treaty may still be bound by the customary rules it reflects or generates, even though they are not bound by the treaty itself. The three functions are not mutually exclusive — different provisions of the same treaty may perform different functions.

Why other options are wrong:

- Option A: A codification treaty does not displace customary law even for parties; both continue to apply in parallel, and non-parties remain bound by the customary rule.

- Option B: The customary rule survives independently even after codification, as the ICJ confirmed in *Military and Paramilitary Activities in and against Nicaragua* (1986).
- Option C: The ICJ expressly held that treaty provisions can generate new custom through post-adoption practice; codification is not the sole function of such treaties.

Final Answer: Treaties may simultaneously codify, crystallise, and generate new customary rules $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q4

Q5.

Solution

Concept — ICJ Judgments as Subsidiary Means (Art. 38(1)(d)): Article 38(1)(d) places judicial decisions and the teachings of highly qualified publicists in a separate, explicitly subsidiary category. Unlike treaties (38(1)(a)), custom (38(1)(b)), and general principles (38(1)(c)), these are not independent sources of law but are means used to *determine* what the law is. The ICJ's own Statute (Art. 59) reinforces this by stating that decisions have no binding force except between the parties.

Analysis: Option (A) is correct because it precisely captures the subsidiary character of ICJ decisions under Article 38(1)(d) and the absence of a formal *stare decisis* doctrine in international law, while acknowledging the significant persuasive authority that ICJ judgments command in practice, as evidenced by the ICJ's own consistent reliance on its prior decisions.

Why other options are wrong:

- Option B: Judicial decisions are explicitly subsidiary means under Article 38(1)(d), not primary sources equivalent to treaties or custom.
- Option C: ICJ judgments bind only the parties to the particular case (Art. 59 ICJ Statute); they have no *erga omnes* binding effect.
- Option D: International courts do not have legislative authority; they apply, interpret, and determine existing law, not create new law.

Final Answer: ICJ judgments are subsidiary means — persuasive but not binding precedent under *stare decisis* $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q5

Q6.

Solution

Concept — Travaux Préparatoires as Supplementary Means (Art. 32 VCLT): The VCLT establishes a structured hierarchy of interpretation. Article 31 provides the general rule (ordinary meaning, context, object and purpose, good faith). Article 32 provides supplementary means — principally *travaux préparatoires* — which are available only in two defined circumstances: to confirm the result reached under Article 31, or to resolve an ambiguity, obscurity, manifestly absurd or unreasonable result that Article 31 alone cannot cure.

Analysis: Option (B) correctly states the two permissible uses of *travaux préparatoires*: confirmatory use and corrective use when the primary rule fails. The ILC Commentary to Article 32 and the ICJ in numerous cases (e.g., *Kasikili/Sedudu Island*, 1999) confirm this secondary, supplementary status.

Why other options are wrong:

- Option A: *Travaux préparatoires* are not the primary means of interpretation; the ordinary meaning under Article 31 takes precedence, and *travaux* are supplementary.
- Option C: No express authorisation from all parties is required; Article 32 makes *travaux* available as a matter of law whenever the specified conditions are met.
- Option D: *Travaux préparatoires* are not equal alternatives to the ordinary meaning; they are supplementary and may only be consulted after (or alongside confirmation of) the Article 31 exercise.

Final Answer: *Travaux préparatoires* are supplementary means under Art. 32 to confirm or resolve ambiguity $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q6

Q7.

Solution

Concept — Material Breach and Right to Terminate or Suspend (Art. 60 VCLT): Article 60 of the VCLT allows a party to a bilateral treaty to invoke a material breach by the other party as a ground for terminating or suspending the treaty. The definition of "material breach" in Article 60(3) is carefully crafted and consists of two alternatives: (a) a repudiation of the treaty not sanctioned by the VCLT, or (b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

Analysis: Option (C) precisely reproduces the two-limbed definition in Article 60(3)(a) and (b) of the VCLT. The requirement that the violated provision must be "essential to the accomplishment of the object or purpose" ensures that minor breaches do not automatically allow the other party to terminate the treaty.

Why other options are wrong:

- Option A: Repeated minor breaches do not per se constitute a material breach; the breach must meet the Article 60(3) definition regardless of frequency.
- Option B: The injured party's subjective assessment is not the legal standard; Article 60(3) provides an objective definition of material breach.
- Option D: There is no thirty-day cure period requirement in Article 60; the VCLT's procedural requirements are found in Articles 65–68 and do not include such a timeline as a substantive condition.

Final Answer: Material breach = repudiation not sanctioned by VCLT OR violation of essential provision $\Rightarrow$ $\boxed{\text{C}}$

Answer: (C) Go Back to Q7

Q8.

Solution

Concept — Suspension Versus Termination of Treaties (VCLT): The VCLT distinguishes between suspension (Arts. 57–62) and termination (Arts. 54–56, 60–62). Suspension releases the parties from the obligation to perform during the period of suspension but does not end the treaty's legal existence. Termination extinguishes the treaty and the legal relations it established, as confirmed by Article 70(1) VCLT (which specifies the effects of termination).

Analysis: Option (D) is correct because it accurately captures the key distinction:

suspension is temporary and preserves the treaty's legal framework, while termination is permanent and eliminates it. Article 72 VCLT confirms that suspension "does not otherwise affect the legal relations between the parties established by the treaty."

Why other options are wrong:

- Option A: Termination extinguishes prospective obligations, not retroactively; and suspension is temporary, not permanent.
- Option B: The VCLT allows both unanimous-agreement and unilateral suspension in specific circumstances (Arts. 57–58, 60, 62); similarly termination is not freely unilateral but is governed by Articles 54–62.
- Option C: Suspension and termination are legally distinct with materially different consequences; they are not identical in ultimate effect.

Final Answer: Suspension = temporary release from performance; termination = permanent dissolution of treaty relations $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q8

Q9.

Solution

Concept — Successive Treaties on the Same Subject Matter (Art. 30 VCLT): Article 30 of the VCLT codifies the *lex posterior derogat priori* principle for treaty law. Article 30(3) provides the governing rule for cases where all parties to the earlier treaty are also parties to the later treaty: the earlier treaty applies only to the extent its provisions are compatible with those of the later treaty. This means the later treaty prevails over the earlier.

Analysis: Option (A) is correct because it accurately states the rule in Article 30(3): as between parties that are party to both treaties, the later treaty prevails over the earlier treaty to the extent of any incompatibility. This is a specific codification of the *lex posterior* principle applied to the international treaty context.

Why other options are wrong:

- Option B: The VCLT does not give the earlier treaty general priority; the *lex prior* principle is not adopted for conflicts between treaties of equal standing.
- Option C: Article 30 provides a priority rule, not a free-choice mechanism; states cannot selectively apply whichever treaty suits them in a given case.
- Option D: The VCLT provides its own rule for resolving the conflict; there is no automatic referral to the ILC or ICJ under Article 30.

Final Answer: Later treaty (Treaty B) prevails over earlier treaty (Treaty A) under Art. 30(3) VCLT $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q9

Q10.

Solution

Concept — Good Faith as Overarching Rule of Treaty Interpretation (Art. 31(1) VCLT): The ILC Commentary to Article 31(1) emphasises that good faith is not a separate step but the spirit in which the entire interpretive exercise under Article 31 must be conducted. The ordinary meaning, context, and object and purpose are not three sequential stages to be mechanically applied but interlocking elements of a unified process conducted in good faith. The ICJ confirmed this holistic approach in *Kasikili/Sedudu Island* (1999) and *Oil Platforms* (2003).

Analysis: Option (B) is correct because it characterises good faith as the overarching standard permeating the entire interpretive exercise, integrating the three textual elements into a holistic process. This is the dominant understanding supported by the ILC Commentary and ICJ jurisprudence.

Why other options are wrong:

- Option A: Good faith is not dormant when the text is clear; it applies throughout and may, for instance, preclude a literal reading that would produce absurd results.
- Option C: The Vienna rules do not establish a hierarchy among ordinary meaning, context, and object and purpose that permits free prioritisation; they are integrated elements.
- Option D: Article 31 adopts a textual rather than purely subjective approach; the subjective intent of parties is relevant but is not the paramount criterion, and is more appropriately addressed under Article 32.

Final Answer: Good faith is the overarching standard integrating all elements of Art. 31 into a holistic exercise $\Rightarrow$ $\boxed{\text{B}}$

Answer: (B) Go Back to Q10

Q11.

Solution

Concept — Distress as Circumstance Precluding Wrongfulness (Art. 24 ILC ASR): Article 24 provides that the wrongfulness of an act is precluded if the author had no other reasonable means, in a situation of distress, of saving the author's life or the lives of other persons entrusted to the author's care. Critically, two additional conditions must be met: (a) the act must not create a comparable or greater peril; and (b) the state has not contributed to the situation of distress. Distress is narrower than necessity (Art. 25) because it focuses on saving life, not protecting a state interest.

Analysis: Option (C) is correct because it captures all the essential conditions of Article 24: no other reasonable means, the object of saving life (of the author or persons in the author's care), and the additional limitation that the act must not create a comparable or greater peril.

Why other options are wrong:

- Option A: That formulation describes necessity under Article 25, not distress; distress focuses on saving life, not protecting essential state interests.
- Option B: Article 24 does not require that the distress was caused by the injured state; causation of the distress situation is addressed separately in Article 24(2).
- Option D: Compensation is the consequence of invoking the defence but is not a precondition to its legal operation; Article 24 does not make compensation a condition of lawfulness.

Final Answer: Distress requires no reasonable alternative to saving life and no comparable or greater peril created $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q11

Q12.

Solution

Concept — Attribution of Insurrectional Movements (Art. 10 ILC ASR): Article 10 addresses attribution of conduct to a state in two scenarios: (1) where an insurrectional movement becomes the new government of the state, its conduct during the insurrection is attributable to that state retroactively; (2) where a movement succeeds in establishing a new state (secessionist scenario), its conduct is attributable to the new state from the moment of its establishment. This differs from the general rule that conduct of private individuals is not attributed to the state.

Analysis: Option (D) correctly captures both sub-rules in Article 10: attribution to the state where the movement becomes the new government, and attribution to the new state where the movement establishes a new state in part of the territory. This reflects the "continuity of responsibility" rationale underlying Article 10.

Why other options are wrong:

- Option A: Attribution is not based on the mere territorial presence of the movement but on the outcome of the insurrection (successful assumption of governmental authority).
- Option B: Covert state support falls under Article 8 (direction or control), not Article 10, which addresses successful insurrectional movements regardless of prior government support.
- Option C: Article 10 applies where the insurrection succeeds, not where it fails; failed insurrections do not trigger Article 10 attribution.

Final Answer: Successful insurrection's conduct attributed to new government or new state from moment of establishment $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q12

Q13.

Solution

Concept — Aid or Assistance in an Internationally Wrongful Act (Art. 16 ILC ASR): Article 16 provides that a state which aids or assists another state in the commission of an internationally wrongful act is responsible for doing so if: (a) it does so with knowledge of the circumstances of the internationally wrongful act; and (b) the act would be internationally wrongful if committed by the assisting state itself. Both conditions are cumulative. Article 16 reflects the principle that complicity in wrongdoing is itself wrongful.

Analysis: Option (A) is correct because it accurately identifies both conditions of Article 16: (i) the assisting state's knowledge, and (ii) the dual-wrongfulness requirement (the assisted act would be wrongful if committed by the assisting state itself). The ICJ confirmed these requirements in *Application of the Genocide Convention* (2007).

Why other options are wrong:

- Option B: Article 16 requires only knowledge and assistance; direction or coercion is a separate, more intense form of involvement addressed in Articles 17–18 of the ASR.

- Option C: Material benefit is not a condition under Article 16; the test is knowledge and dual-wrongfulness, not enrichment.
- Option D: No pre-existing treaty is required; Article 16 is a general customary rule of state responsibility applicable independently of any treaty regime.

Final Answer: Aid/assistance liability requires knowledge of wrongful act AND act would be wrongful if done by the assisting state $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q13

Q14.

Solution

Concept — Satisfaction as a Form of Reparation (Art. 37 ILC ASR): Article 37 of the ILC ASR addresses satisfaction as one of three forms of reparation (alongside restitution under Art. 35 and compensation under Art. 36). Satisfaction is appropriate for moral or non-material injury — injury to the dignity, honour, or reputation of the state — that cannot be fully remedied by financial means alone. Article 37(2) lists examples: acknowledgment of the breach, expression of regret, formal apology, or another appropriate modality.

Analysis: Option (B) is correct because it captures the Article 37 conditions: satisfaction for injury not remediable by restitution or compensation alone; available modalities (acknowledgment, regret, apology); and the two limitations imposed by Article 37(3) — proportionality and no humiliation of the responsible state.

Why other options are wrong:

- Option A: Satisfaction is not the primary form of reparation; restitution is the primary form (Art. 35), followed by compensation (Art. 36), and satisfaction is residual.
- Option C: Satisfaction does not require a monetary payment; it may consist of non-monetary measures such as acknowledgment or apology.
- Option D: Article 37 is not limited to diplomatic immunity violations; it is a general form of reparation available for any internationally wrongful act causing non-material injury.

Final Answer: Satisfaction = non-material reparation for injury not remediable otherwise; must be proportionate and non-humiliating $\Rightarrow$ $\boxed{\text{B}}$

Answer: (B) Go Back to Q14

Q15.

Solution

Concept — Normal and Straight Baselines under UNCLOS: UNCLOS establishes two main baseline methods. Article 5 provides the normal baseline — the low-water line along the coast as marked on large-scale charts officially recognised by the coastal state. Article 7 permits straight baselines in geographically justified situations (deeply indented coasts, fringe islands), subject to conditions: the method must not depart appreciably from the general direction of the coast, and the sea areas within the baseline must be sufficiently closely linked to the land domain.

Analysis: Option (C) is correct because it accurately identifies the normal baseline (low-water line per Art. 5) and the conditions for straight baselines (deeply indented coast or fringe islands per Art. 7), including the condition that straight baselines may not depart appreciably from the general direction of the coast. The ICJ applied these rules in *Fisheries Case* (UK v. Norway, 1951) and subsequent UNCLOS arbitrations.

Why other options are wrong:

- Option A: The normal baseline is not drawn between outermost points; that describes a straight baseline method. The normal baseline follows the actual low-water line.
- Option B: Straight baselines are available to any coastal state meeting the geographical criteria, not only to archipelagic states (which have a separate regime under Part IV).
- Option D: Straight baselines are not available at absolute discretion; they require objective geographical justification and are subject to the conditions in Article 7.

Final Answer: Normal baseline = low-water line; straight baselines = deeply indented coast or fringe islands with stated conditions $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q15

Q16.

Solution

Concept — Rights of Landlocked States under UNCLOS (Art. 69): Article 69 of UNCLOS addresses the rights of landlocked states in the EEZs of coastal states in the same subregion or region. The right is not absolute or unconditional; it is a right to participate *on an equitable basis* in the exploitation of the *surplus* of living resources (i.e., what the coastal state cannot itself harvest). The modalities are to be worked out through bilateral or multilateral agreements.

Analysis: Option (D) correctly states the nature of the right: equitable participation in the surplus of living resources within the same subregion or region, taking into account relevant economic and geographical circumstances. This right is conditional on the coastal state being unable to harvest the full allowable catch.

Why other options are wrong:

- Option A: Article 69 relates to living resources in the EEZ, not freedom of navigation through the territorial sea, which is governed by the right of innocent passage.
- Option B: UNCLOS does not provide for the creation of jointly administered EEZs for landlocked states; Article 69 is a resource-sharing provision, not a zone-creation one.
- Option C: The right is not unconditional; it is confined to the surplus that the coastal state cannot harvest, and requires bilateral or multilateral agreement on access modalities.

Final Answer: Landlocked states have equitable participation rights in the EEZ surplus living resources of states in the same subregion/region $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q16

Q17.

Solution

Concept — Definition and Suppression of Piracy (Arts. 101–107 UNCLOS): Article 101 of UNCLOS defines piracy *jure gentium* with precision. The definition requires: (1) illegal acts of violence, detention, or depredation; (2) committed for *private ends*; (3) by the crew or passengers of a *private* ship or aircraft; (4) directed against another ship or aircraft (or persons/property on board); (5) on the high seas or in a place outside the jurisdiction of any state. All five elements must be satisfied. The "private ends" requirement excludes politically motivated acts.

Analysis: Option (A) correctly identifies all five cumulative elements from Article 101, including the critical "private ends" requirement, the private-ship requirement, the two-ship requirement, and the locational requirement (high seas or equivalent). Article 105 grants all states universal jurisdiction to seize pirate ships and prosecute pirates.

Why other options are wrong:

- Option B: Political motivation excludes an act from the definition of piracy *jure gentium*; the "private ends" requirement is essential. UNCLOS piracy cannot be committed for political purposes.
- Option C: The location requirement (high seas or outside state jurisdiction) is essential; acts within territorial waters are governed by domestic law and are not piracy under UNCLOS.
- Option D: UNCLOS does not require that the attacking and victim vessels be registered in different states; the two-ship requirement is about the distinctness of the attacking and victim vessels, not their registration.

Final Answer: Piracy requires private ends, private ship, acts against another ship, on high seas or equivalent area $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q17

Q18.

Solution

Concept — Coastal State Duties on Conservation and Allocation (Arts. 61–62 UNCLOS): Article 61 requires the coastal state to determine the allowable catch, ensure proper conservation, and prevent over-exploitation. Article 62 imposes the duty of optimum utilisation: where the coastal state cannot harvest the full allowable catch, it must give other states access to the surplus through agreements, giving particular regard to the interests of landlocked and geographically disadvantaged states and developing states in the subregion or region.

Analysis: Option (B) correctly captures the three-step framework: (1) determine allowable catch; (2) promote optimum utilisation; (3) grant access to surplus where capacity is insufficient. This framework balances the coastal state's sovereign rights with obligations toward efficient use of the world's living marine resources.

Why other options are wrong:

- Option A: The coastal state does not have an absolute right to withhold

access; Article 62 imposes a clear obligation to give other states access to the surplus it cannot harvest.
- Option C: There is no obligation of equal distribution; access is based on surplus availability and negotiated agreements, not equal sharing among all requesting states.
- Option D: Articles 61–62 apply to all living resources in the EEZ, not only to highly migratory species; highly migratory species have their own provisions under Article 64.

Final Answer: Coastal state must determine allowable catch, promote optimum utilisation, and give access to surplus living resources $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q18

Q19.

Solution

Concept — *Aut Dedere Aut Judicare* in International Law: The obligation to extradite or prosecute (*aut dedere aut judicare*) is a key mechanism for combating impunity for serious international crimes. When a state refuses or is unable to extradite an alleged offender, it must submit the case to its competent authorities for prosecution. The ILC studied this obligation in its 2014 Final Report and the ICJ examined it in *Questions Relating to the Obligation to Prosecute or Extradite* (Belgium v. Senegal, 2012), finding a treaty-based obligation under the CAT.

Analysis: Option (C) is correct: the state that does not extradite must submit the case to its prosecutorial authorities without exception and without undue delay. The obligation is usually treaty-based (e.g., CAT Art. 7) and exists in certain cases under customary international law for jus cogens crimes.

Why other options are wrong:

- Option A: This mischaracterises the obligation as a prohibition on jurisdiction; *aut dedere aut judicare* is an obligation to act (either extradite or prosecute), not a prohibition on jurisdiction.
- Option B: Extradition does not release the extraditing state from all obligations; the obligation to cooperate may continue, and the extraditing state may have independent duties.
- Option D: There is no absolute customary rule requiring unconditional extradition; most *aut dedere* obligations arise from treaty and are subject to the conditions of those treaties.

Final Answer: Non-extraditing state must submit the case for prosecution without exception ⇒ $\boxed{\text{C}}$

Answer: (C) Go Back to Q19

Q20.

Solution

Concept — Immunity *Ratione Personae* versus Immunity *Ratione Materiae*: These two forms of immunity serve different purposes. Immunity *ratione personae* attaches to the holder of high office (head of state, head of government, foreign minister) and is absolute during tenure, covering all acts official and private. It ceases on leaving office. Immunity *ratione materiae* (functional immunity) attaches to official acts performed in the exercise of state functions; it is not personal but act-based, and it subsists after the official leaves office but only for those official acts. The ICJ explained this distinction in *Arrest Warrant* (2002).

Analysis: Option (D) is correct because it accurately captures both forms: absolute personal immunity during tenure (*ratione personae*) and continuing functional immunity for official acts only after leaving office (*ratione materiae*). The distinction is critical because former officials enjoy only *ratione materiae* immunity and may be prosecuted for private acts or jus cogens crimes.

Why other options are wrong:

- Option A: *Ratione personae* applies to serving, not former, officials; former officials are generally protected only by *ratione materiae* immunity.
- Option B: *Ratione materiae* immunity does not extend to private acts; it is limited to official acts performed in the exercise of state functions.
- Option C: This reverses the actual distinction; *ratione personae* covers all acts (including private) during tenure, while *ratione materiae* covers only official acts.

Final Answer: *Ratione personae* = absolute immunity during tenure for all acts; *ratione materiae* = continuing immunity for official acts only ⇒ $\boxed{\text{D}}$

Answer: (D) Go Back to Q20

Q21.

Solution

Concept — Protection of the Diplomatic Bag (Art. 27 VCDR): Article 27(3) of the Vienna Convention on Diplomatic Relations provides that the diplomatic bag shall not be opened or detained. Article 27(4) states that the packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use. These provisions reflect the fundamental principle that the inviolability of the diplomatic bag is necessary to ensure the free communication between a mission and its sending state.

Analysis: Option (A) correctly synthesises Articles 27(3) and 27(4): prohibition on opening or detention, requirement of visible external marks, and limitation on content to diplomatic documents or articles for official use. This formulation matches the treaty text precisely.

Why other options are wrong:

- Option B: The VCDR does not permit the receiving state to open the diplomatic bag under any circumstances; Article 27(3) is unconditional. The only remedy for suspected abuse is to declare the diplomatic agent *persona non grata*.
- Option C: The diplomatic bag is not subject to customs inspection or screening; its inviolability is absolute under Article 27(3).
- Option D: The inviolability of the diplomatic bag is a treaty right arising from the VCDR itself, not from any bilateral agreement between the sending and receiving states.

Final Answer: Diplomatic bag cannot be opened or detained; must bear external marks; may contain only official documents or articles $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q21

Q22.

Solution

Concept — Waiver of Diplomatic Immunity (Art. 32 VCDR): Article 32 of the VCDR establishes that immunity from jurisdiction of diplomatic agents and persons enjoying immunity under Article 37 may be waived by the sending state. Three key rules follow: (1) waiver must be by the *sending state*, not the individual agent; (2) the waiver must be *express*; (3) waiver of immunity from jurisdiction does not automatically imply waiver of immunity in respect of the execution of a judgment, which requires a separate and distinct waiver.

Analysis: Option (B) is correct because it accurately states all three of the VCDR's rules on waiver: sending state authority, express waiver requirement, and the non-implication rule for execution immunity.

Why other options are wrong:

- Option A: The diplomatic agent cannot personally waive immunity; only the sending state can, as diplomatic immunity belongs to the sending state, not to the individual agent.
- Option C: The right of waiver belongs exclusively to the sending state; the agent has no authority to waive. Furthermore, a jurisdictional waiver does not extend to enforcement of any resulting judgment.
- Option D: The receiving state cannot unilaterally waive the diplomatic agent's immunity; only the sending state may do so, regardless of the gravity of the offence.

Final Answer: Waiver = sending state only, must be express; separate waiver needed for immunity from execution ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q22

Q23.

Solution

Concept — Duration of Diplomatic Privileges after End of Mission (Art. 39 VCDR): Article 39(2) of the VCDR provides that when the functions of a diplomatic agent come to an end, privileges and immunities normally cease when the person leaves the country, or on expiry of a reasonable period in which to do so. However, immunity *ratione materiae* continues after departure: immunity subsists with respect to acts performed in the exercise of official functions as a member of the mission. This preserves the state's interest in the inviolability of official acts.

Analysis: Option (C) correctly states both limbs of Article 39(2): the general cessation rule (departure or reasonable time) and the continuing functional immunity for official acts performed during the mission. This reflects the distinction between *ratione personae* (which ends) and *ratione materiae* (which continues for official acts).

Why other options are wrong:

- Option A: Recall notice does not immediately extinguish all immunities; the diplomat retains immunities until departure or expiry of the reasonable period, and functional immunity continues thereafter.

- Option B: There is no fixed six-month period in the VCDR; the standard is departure or "a reasonable period in which to do so," which depends on the circumstances.
- Option D: Permanent residence does not extend privileges; the VCDR provides no such rule, and establishing permanent domicile does not maintain diplomatic privileges.

Final Answer: Privileges cease on departure or reasonable time; immunity for official acts performed during the mission continues $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q23

Q24.

Solution

Concept — Dean of the Consular Corps and Seniority Rules (VCCR): The Vienna Convention on Consular Relations (1963) provides in Article 16 that heads of consular posts shall rank in each class in accordance with the date of the grant of the exequatur. Article 68 of the VCCR implicitly recognises the institution of the dean of the consular corps. The dean is the head of the highest class who ranks first in accordance with Article 16's precedence rules, i.e., primarily by class (consul-general, consul, vice-consul, consular agent) and within each class by the date and time of notification of assumption of functions.

Analysis: Option (D) correctly identifies the dean as the head of the class of heads of consular posts ranking first in accordance with Article 16 of the VCCR, with precedence determined by the date and time of official notification of arrival and assumption of functions.

Why other options are wrong:

- Option A: The dean is not elected by majority vote; the position is determined automatically by the rules of precedence in the VCCR, not by the choice of the consular corps.
- Option B: The longest period of continuous service is not the determining criterion; what matters is the class of consular post and, within a class, the date of official notification of assuming functions.
- Option C: There is no connection between the dean of the consular corps and the rotating presidency of the Security Council; this is a confabulation.

Final Answer: Dean = head of consular post ranking first in highest class by

Article 16 VCCR notification date and time $\Rightarrow$ $\boxed{\text{D}}$

Answer: (D) Go Back to Q24

Q25.

Solution

Concept — ECOSOC Functions under the UN Charter (Arts. 62–66): The Economic and Social Council is a principal organ of the UN under Article 7 of the Charter. Articles 62–66 define its functions: Article 62 authorises it to make or initiate studies and reports, make recommendations, prepare draft conventions, and call international conferences. Articles 63–66 govern its relationship with specialised agencies through coordination agreements. ECOSOC does not have enforcement powers; its principal instruments are recommendations, studies, and draft conventions.

Analysis: Option (A) accurately lists three core functions under Article 62: recommendations to the UNGA, member states, and specialised agencies; preparation of draft conventions for the UNGA; and convening international conferences. These are the primary affirmative powers conferred by the Charter.

Why other options are wrong:

- Option B: ECOSOC cannot impose legally binding sanctions; that is a prerogative of the Security Council under Chapter VII. ECOSOC's instruments are recommendations, not binding decisions.
- Option C: ECOSOC does not have overriding authority over specialised agencies; it coordinates through agreements but cannot override their recommendations.
- Option D: ECOSOC cannot deploy peacekeeping missions; that authority is vested in the Security Council (and in limited circumstances the UNGA through the Uniting for Peace mechanism).

Final Answer: ECOSOC makes recommendations, prepares draft conventions, and calls international conferences under Arts. 62–66 $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q25

Q26.

Solution

Concept — Uniting for Peace Resolution (UNGA Res. 377(V), 1950): Adopted during the Korean War, Resolution 377(V) addressed the problem of Security Council paralysis caused by the Soviet Union's veto. It provided that where the Security Council fails to exercise its primary responsibility due to lack of unanimity of the permanent five, the General Assembly may convene in emergency special session within twenty-four hours (upon request of nine Security Council members or a majority of UN members) to consider the matter and recommend collective measures, including, when necessary, the use of armed force.

Analysis: Option (B) correctly identifies the mechanism and its triggering condition: Security Council failure due to permanent member veto in a peace-and-security situation, leading to an emergency special session of the UNGA within twenty-four hours to recommend collective measures. The ICJ endorsed the resolution's validity in *Certain Expenses of the United Nations* (1962).

Why other options are wrong:

- Option A: Resolution 377 did not create a permanent UN force; it enabled UNGA recommendations for collective measures, including armed force, but the force itself must be raised by member state contributions.
- Option C: Resolution 377 did not amend the UN Charter; it reinterpreted the Charter but could not and did not alter the veto provisions. Charter amendment requires the procedure in Article 108.
- Option D: Delegation to regional organisations is addressed in Article 53 of the Charter; Resolution 377 did not transfer Security Council authority to regional bodies but gave the UNGA a residual recommendatory role.

Final Answer: Uniting for Peace: UNGA meets in emergency special session within 24 hours when the Security Council is vetoed $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q26

Q27.

Solution

Concept — Good Faith Obligation under Art. 2(2) UN Charter: Article 2(2) codifies the principle of good faith performance of UN Charter obligations. This principle is reinforced by the 1970 Declaration on Friendly Relations (UNGA Res. 2625(XXV)), which states that good faith performance of international obligations is a duty of every state. The principle requires not merely formal or technical compliance but genuine, sincere discharge of obligations consistent with their underlying purpose.

Analysis: Option (C) is correct because it accurately describes the content of Article 2(2): sincere fulfilment of Charter obligations, the reaffirmation in Resolution 2625(XXV), and recognition of good faith as a foundational principle of the international legal order. Good faith in this context is not a free-standing enforcement trigger but a standard of conduct.

Why other options are wrong:

- Option A: Article 2(2) is a conduct standard, not a trigger for Chapter VII; the Security Council's authority under Chapter VII arises from Articles 39–42, independently of whether Article 2(2) is violated.
- Option B: Article 2(2) does not create a free-standing judicially enforceable obligation litigable at the ICJ upon a purely subjective allegation of bad faith; there must be an underlying legal dispute within the Court's jurisdiction.
- Option D: Article 2(2) confers no adjudicative jurisdiction on the General Assembly; the UNGA is not a court and cannot make binding legal determinations on Charter compliance.

Final Answer: Art. 2(2) requires sincere fulfilment of Charter obligations; recognised as a foundational principle in Res. 2625(XXV) $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q27

Q28.

Solution

Concept — Weighted Voting in IMF and World Bank: The International Monetary Fund and the International Bank for Reconstruction and Development (World Bank) employ a system of weighted voting based on each member's quota (IMF) or subscribed capital shares (World Bank). A member's quota reflects its relative size in the global economy and its financial contribution to the institution. This contrasts with the UNGA, where each state has one equal vote regardless of size or economic power (Art. 18 UN Charter).

Analysis: Option (D) accurately describes the IMF/World Bank weighted voting system based on quota/capital shares reflecting economic weight, and correctly distinguishes this from the one-state-one-vote principle of the UNGA. This weighted system means that major economies like the United States effectively hold a blocking minority in certain IMF decisions.

Why other options are wrong:

- Option A: The IMF and World Bank use weighted voting, not the one-state-one-vote principle; only the UNGA uses the one-state-one-vote principle.
- Option B: This reverses the actual systems; it is the Bretton Woods institutions, not the UNGA, that use weighted voting.
- Option C: While basic votes exist (providing a small baseline for all members), the primary determinant is the quota or capital subscription, not GDP alone; the framing in Option C is incomplete and misleading.

Final Answer: IMF and World Bank use weighted voting by quota/capital shares, departing from sovereign equality $\Rightarrow \boxed{\text{D}}$

Answer: (D) **Go Back to Q28**

Q29.

Solution

Concept — *Res Judicata* as a Principle of International Adjudication: *Res judicata* is a fundamental principle of international adjudication derived from general principles of law (Art. 38(1)(c)). It provides that once a matter has been finally decided on the merits by a competent tribunal, the same parties cannot relitigate the same issues in the same legal ground. The principle ensures the finality and stability of judgments and is recognised by Article 60 of the ICJ Statute (finality of judgments) and consistently applied in ICJ jurisprudence.

Analysis: Option (A) is correct: *res judicata* is conclusive between the same parties on the same subject matter, preventing relitigation. The ICJ confirmed this in *Haya de la Torre* (1951) and subsequent cases. The principle's three requirements (same parties, same subject matter, same legal basis — *eadem personae, eadem res, eadem causa*) are all implicit in Option (A).

Why other options are wrong:

- Option B: ICJ judgments bind only the parties to the case (Art. 59 ICJ

Statute); there is no *erga omnes* binding effect of ICJ decisions as such (though separate *erga omnes* obligations may exist in substantive law).

- Option C: ICSID awards are not automatically enforceable in domestic courts without domestic implementation; even ICSID awards require the ICSID Convention's domestic enforcement framework (Art. 54).
- Option D: There is no rule requiring resolution of Security Council proceedings before ICJ proceedings; the ICJ and the Security Council can act concurrently under the UN Charter.

Final Answer: *Res judicata* = final judgment on merits is conclusive between same parties on the same subject matter $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q29

Q30.

Solution

Concept — Third-Party Intervention before the ICJ (Arts. 62 and 63 ICJ Statute): Article 62 allows a state with a legal interest that may be affected to apply to intervene; the Court retains discretion to permit or deny the application. Article 63 grants a state party to a convention being construed in the proceedings the right to intervene; the intervention is as of right (the Court cannot refuse it), but the state that intervenes is bound by the construction given by the judgment. The ICJ elaborated on this distinction in *Land, Island and Maritime Frontier Dispute* (El Salvador/Honduras, Nicaragua intervening, 1990).

Analysis: Option (B) correctly distinguishes Art. 62 (discretionary) from Art. 63 (as of right, but bound by the construction). This distinction has important strategic implications for states deciding which avenue to pursue.

Why other options are wrong:

- Option A: Article 62 is not an absolute right; it requires the Court's permission. Only Article 63 grants a right of intervention.
- Option C: Article 62 is not limited to treaty interpretation cases; it applies to any case where a state has a legal interest that may be affected, whatever the subject matter.
- Option D: A state intervening under Article 63 is bound only with respect to the construction of the relevant convention, not with respect to all issues in the case; it does not become a full party to the entire proceedings.

Final Answer: Art. 62 = discretionary intervention for legal interest; Art. 63 = as-of-right intervention for convention parties, binding on construction $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q30

Q31.

Solution

Concept — ICSID Jurisdiction over Investor-State Disputes (Art. 25 ICSID Convention): Article 25(1) of the ICSID Convention limits the Centre's jurisdiction to legal disputes arising *directly out of an investment*, between a *Contracting State* (or its designated constituent subdivision or agency) and a *national of another Contracting State*, which the parties have *consented in writing* to submit to the Centre. Consent is the cornerstone of ICSID jurisdiction; it may be given in advance through a BIT or other investment agreement, or in an ad hoc submission agreement.

Analysis: Option (C) correctly states all four jurisdictional requirements of Article 25: (1) legal dispute; (2) arising directly out of an investment; (3) between a Contracting State and a national of another Contracting State; (4) written consent to ICSID. All four must concur.

Why other options are wrong:

- Option A: Both the investor's home state and the host state must be ICSID Contracting States; jurisdiction cannot arise where the home state is not a party to the ICSID Convention.
- Option B: ICSID is designed for investor-state disputes, not state-to-state disputes; the latter are generally addressed through WTO or other inter-state mechanisms.
- Option D: The existence of an ICSID clause in a BIT does not substitute for the investor's own written consent; the investor must itself consent to arbitration (usually by filing a claim), unless the treaty clause constitutes a standing offer accepted by the investor's act of filing.

Final Answer: ICSID jurisdiction requires: legal dispute from investment, Contracting State vs. national of another Contracting State, written consent $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q31

Q32.

Solution

Concept — Proportionality Principle in Attacks (API Art. 51(5)(b)): The proportionality rule in Article 51(5)(b) of Additional Protocol I prohibits attacks expected to cause incidental civilian casualties or damage to civilian objects that are excessive in relation to the *concrete and direct military advantage anticipated*. The test is forward-looking (based on reasonable expectation at the time of the attack) and requires a comparison between anticipated civilian harm and anticipated military advantage. It applies to incidental (collateral) harm, not to attacks directly targeting civilians (which are prohibited absolutely by Art. 51(4)(a)).

Analysis: Option (D) precisely reproduces the Article 51(5)(b) standard: incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination, excessive in relation to the concrete and direct military advantage anticipated. The ICJ confirmed the customary status of this rule in *Nuclear Weapons* Advisory Opinion (1996).

Why other options are wrong:

- Option A: Mere location of civilian objects near a military objective does not make an attack indiscriminate; the proportionality analysis requires an assessment of expected harm versus expected advantage.
- Option B: The test is not zero civilian casualties; incidental civilian casualties are permissible if not excessive relative to military advantage. Proportionality is a balancing test, not an absolute prohibition on incidental harm.
- Option C: This describes the rule on inherently indiscriminate weapons (Art. 51(4)(b)–(c)), not the proportionality rule; the proportionality rule applies even to discriminate weapons used in a disproportionate attack.

Final Answer: Disproportionate attack = incidental civilian harm excessive relative to concrete and direct military advantage anticipated $\Rightarrow \boxed{\text{D}}$

$\boxed{\textbf{Answer: (D)}}$ **Go Back to Q32**

Q33.

Solution

Concept — Prohibition of Biological and Chemical Weapons under International Law: The Biological Weapons Convention (BWC, 1972) prohibits the development, production, stockpiling, and retention of biological and toxin weapons, but it lacks a formal verification mechanism — a significant weakness. The Chemical Weapons Convention (CWC, 1993) is more comprehensive: it prohibits development, production, stockpiling, *use*, and transfer of chemical weapons and establishes the Organisation for the Prohibition of Chemical Weapons (OPCW) as a verification body with systematic inspection powers and mandatory destruction schedules.

Analysis: Option (A) correctly identifies the key difference: the BWC has no verification mechanism, while the CWC adds the prohibition on use (beyond the earlier customary ban) and the OPCW verification architecture. Both treaties build on earlier prohibitions — the 1925 Geneva Protocol banned use of chemical and biological weapons in warfare.

Why other options are wrong:

- Option B: The BWC has no formal verification mechanism; only the CWC has an inspection and verification system through the OPCW. They are managed by separate organisations (the BWC has only a states-parties meeting mechanism).
- Option C: The prohibition on chemical weapons has a treaty basis going back to the 1925 Geneva Protocol and the 1993 CWC; it also has a customary basis. The biological weapons prohibition similarly has treaty and customary foundations.
- Option D: The CWC does permit retention of small quantities for research, protection, and law enforcement (Schedule 1 chemicals exception), but the Biological Weapons Convention also has an exception for prophylactic, protective, and other peaceful purposes; the option misstates the BWC's position.

Final Answer: BWC (1972) = no verification; CWC (1993) = adds use prohibition + OPCW verification and destruction $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q33

Q34.

Solution

Concept — Combatant Immunity Doctrine and Its Conditions: Combatant immunity (belligerent privilege) protects lawful combatants from domestic criminal prosecution by a captor state for acts of war that comply with international humanitarian law. The conditions for lawful combatant status are set out in Article 4 of the Third Geneva Convention (1949) (for international armed conflicts) and Article 43 of Additional Protocol I (1977). A lawful combatant who is captured is entitled to prisoner-of-war status and the protections of the Third Convention. Importantly, the immunity does not extend to acts that violate IHL (war crimes).

Analysis: Option (B) is correct because it accurately states both the scope of combatant immunity (lawful acts complying with IHL) and the conditions that must be satisfied (Art. 4 GCIII or Art. 43 API), as well as the entitlement to POW status upon capture.

Why other options are wrong:

- Option A: Combatant immunity is not absolute; it does not protect war crimes or violations of IHL. Lawful combatants who commit war crimes lose the protection of combatant immunity for those acts.
- Option C: Combatant immunity does not extend to irregular fighters who do not satisfy the conditions for lawful belligerency (e.g., open carry of arms, fixed distinctive sign, command structure, compliance with IHL).
- Option D: Combatant immunity applies only in international armed conflicts as a treaty rule; in non-international armed conflicts, there is no equivalent treaty right to combatant immunity, though amnesties may apply under Art. 6(5) of Additional Protocol II.

Final Answer: Combatant immunity protects lawful combatants (Art. 4 GCIII / Art. 43 API) for compliant acts; POW status on capture $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q34

Q35.

Solution

Concept — The Inter-American Human Rights System (IACHR and IACtHR): The Inter-American system comprises two distinct organs: (1) the Inter-American Commission on Human Rights (IACHR), an autonomous organ of the OAS established by the OAS Charter and operating under its own Statute; and (2) the Inter-American Court of Human Rights (IACtHR), a treaty body established by the American Convention on Human Rights (1969). Critically, the IACHR has broader jurisdiction (all OAS members are subject to it by virtue of OAS membership), while the IACtHR's contentious jurisdiction is limited to states that have ratified the ACHR and made an optional declaration accepting the Court's contentious jurisdiction. Individuals cannot petition the Court directly; cases reach it only through the IACHR.

Analysis: Option (C) correctly identifies three key features: (1) the IACHR's broader personal jurisdiction over all OAS members; (2) the IACtHR's narrower jurisdiction limited to states accepting it; (3) the procedural requirement that cases reach the IACtHR through the IACHR.

Why other options are wrong:

- Option A: The IACHR is not a purely advisory body; it has contentious functions, including admissibility decisions and quasi-judicial recommendations, and can refer cases to the IACtHR.
- Option B: Individuals cannot petition the IACtHR directly; only the IACHR or a state party can refer a case to the Court after IACHR proceedings.
- Option D: The IACtHR does not have compulsory jurisdiction over all OAS member states; acceptance of the Court's contentious jurisdiction requires an optional declaration under Article 62 of the ACHR.

Final Answer: IACHR has broader OAS-wide jurisdiction; IACtHR's contentious jurisdiction requires acceptance; cases reach IACtHR through IACHR $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q35

Q36.

Solution

Concept — Right to Self-Determination (ICCPR Art. 1 and Its Scope): Article 1 of the ICCPR (and ICESCR) recognises the right of all peoples to self-determination. International law distinguishes internal self-determination (right to democratic governance and economic/social development within a state) from external self-determination (right to determine one's international status, potentially including independence). The general rule, confirmed in the 1970 Declaration on Friendly Relations and the ICJ's *Kosovo* Advisory Opinion (2010), is that external self-determination (including secession) is reserved for colonial situations or situations of gross, systematic denial of internal self-determination with no other effective remedy ("remedial secession" theory).

Analysis: Option (D) is correct because it accurately presents both limbs of the right and the qualified nature of external self-determination. The "remedial secession" concept is the most widely accepted theoretical basis for external self-determination beyond the colonial context.

Why other options are wrong:

- Option A: There is no unconditional right to secession; external self-determination is the exception, not the rule, and is subject to the principle of territorial integrity.
- Option B: Article 1 can be the subject of individual communications to the Human Rights Committee in some contexts (the Committee's jurisprudence has evolved); the statement that it is *only* enforceable inter-state is incorrect.
- Option C: The right of self-determination has been extended beyond colonial peoples; the ICJ in *East Timor* (1995) recognised it as an *erga omnes* obligation of broader application.

Final Answer: Self-determination = internal (development within state) + external (colonial/gross denial of internal, with no other remedy) $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q36

Q37.

Solution

Concept — Effectiveness Doctrine and Its Role in Recognition Practice: The effectiveness doctrine in the context of government recognition holds that the primary criterion for recognition is the effective and stable exercise of governmental authority over the state's territory and population. This approach contrasts with the Tobar Doctrine (legitimacy/constitutional basis) and was notably applied in the Estrada Doctrine (Mexico, 1930), which rejected the formal act of recognition itself but implicitly relied on effectiveness. Many modern states practise a form of the effectiveness test, though they may phrase recognition decisions in diplomatic terms without explicit criteria.

Analysis: Option (A) correctly identifies the core of the effectiveness doctrine: factual control over territory and population is the primary criterion, regardless of how the government came to power. This is the classical Weberian concept of a government as the entity exercising a monopoly on legitimate force.

Why other options are wrong:

- Option B: This describes the Tobar Doctrine (constitutional legitimacy), which is the opposite of the effectiveness doctrine; the effectiveness doctrine does not require constitutional legitimacy.
- Option C: There is no requirement of UNGA certification for governmental recognition; recognition is a political act of individual states, not a function of the UNGA.
- Option D: The effectiveness doctrine applies both to the recognition of new states and to the recognition of new governments; it has wide application across both contexts.

Final Answer: Effectiveness doctrine = factual governmental control is the primary criterion for recognition, not constitutional legitimacy $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q37

Q38.

Solution

Concept — Nationality of Inhabitants Following State Succession: The ILC's 1999 Draft Articles on Nationality of Natural Persons in Relation to the Succession of States (based on the work of the ILC and endorsed by the UNGA) address the risk of statelessness arising from state succession. Article 4 provides that the successor state shall grant its nationality to persons who, at the date of the succession, had their habitual residence in the transferred territory. The rationale is to prevent statelessness: persons in the transferred territory will lose the predecessor state's nationality but may not automatically acquire the successor's.

Analysis: Option (B) correctly states the primary obligation in Article 4: the successor state's duty to grant nationality to habitual residents of the transferred territory, specifically to prevent statelessness. Habitual residence, rather than nationality of the predecessor state or ethnic/linguistic criteria, is the governing connecting factor.

Why other options are wrong:

- Option A: The obligation is linked to habitual residence in the transferred territory, not to nationality of the predecessor state generally; a national of the predecessor state living elsewhere is not automatically entitled to the successor's nationality under the Draft Articles.
- Option C: Habitual residents do not automatically retain the predecessor state's nationality; what they must be protected from is statelessness, which the successor state must prevent.
- Option D: The obligation to grant nationality is not limited to cases of complete dissolution; it applies in all forms of territorial change including cession, unification, and separation.

Final Answer: Successor state must grant nationality to habitual residents of the transferred territory to prevent statelessness $\Rightarrow \boxed{\text{B}}$

$\boxed{\text{Answer: (B)}}$ Go Back to Q38

Q39.

Solution

Concept — Stockholm Declaration Principle 21 and the No-Harm Rule: Principle 21 of the 1972 Stockholm Declaration on the Human Environment balances two propositions: (a) states have the sovereign right to exploit their own resources pursuant to their environmental policies; and (b) states have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or areas beyond national jurisdiction. The ICJ in *Legality of the Threat or Use of Nuclear Weapons* (1996) and *Pulp Mills on the River Uruguay* (2010) confirmed the customary law status of this obligation, which echoes the *Trail Smelter* arbitration (1941) and *Corfu Channel* (1949).

Analysis: Option (C) faithfully reproduces the text of Principle 21: sovereign right to exploit resources + responsibility for no transboundary harm to other states or areas beyond national jurisdiction. The dual structure of the principle — right and responsibility — is its defining feature.

Why other options are wrong:

- Option A: Principle 21 does not absolve states of international responsibility for transboundary environmental harm; the no-harm rule is the core of the principle and imposes responsibility for such damage.
- Option B: International environmental law can and does develop through customary international law and general principles, as well as treaties; the statement in Option B is factually incorrect.
- Option D: Principle 21 expressly covers areas "beyond the limits of national jurisdiction" (e.g., the high seas, outer space), not only bilateral border situations; the no-harm rule has universal geographical scope.

Final Answer: Principle 21 = sovereign right to exploit resources + responsibility for no harm to other states or areas beyond national jurisdiction $\Rightarrow \boxed{\text{C}}$

Answer: (C) **Go Back to Q39**

Q40.

Solution

Concept — Responsibility of International Organizations (ILC ARIO 2011): The ILC Articles on the Responsibility of International Organizations (ARIO), adopted in 2011, extend the principles of the ASR to international organisations. A key innovation is the recognition that international organisations themselves bear direct, primary international responsibility for their own internationally wrongful acts. Attribution under the ARIO takes into account the *rules of the organisation* (its constitutive instrument, rules, and established practice), distinguishing it from attribution under the ASR, which focuses on state organs and agents.

Analysis: Option (D) is correct because it identifies the two principal innovations of the ARIO: (1) IOs have direct primary responsibility for internationally wrongful acts attributable to them (not merely derivative responsibility); (2) the rules of attribution under the ARIO are adapted to reflect the distinctive nature of IOs, taking into account their powers, functions, and internal rules.

Why other options are wrong:

- Option A: The ARIO does recognise circumstances precluding wrongfulness for IOs (Arts. 20–27 ARIO), including force majeure, distress, necessity, and consent, adapted from the ASR; IOs are not categorically excluded from these defences.
- Option B: The ARIO modifies the ASR attribution rules to reflect the distinctive features of IOs; attribution is not governed by identical rules. In particular, Article 6 ARIO addresses the conduct of organs and agents of the IO placed at its disposal.
- Option C: The ARIO primarily addresses the responsibility of the IO itself; it also deals with the responsibility of member states in specific circumstances (Arts. 58–62), but the primary focus is the IO's own responsibility.

Final Answer: ARIO recognises direct IO responsibility; attribution rules adapted to IO's powers, functions, and rules $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q40

Answer Key

Q	Ans	Q	Ans	Q	Ans	Q	Ans	Q	Ans
1	A	2	B	3	C	4	D	5	A
6	B	7	C	8	D	9	A	10	B
11	C	12	D	13	A	14	B	15	C
16	D	17	A	18	B	19	C	20	D
21	A	22	B	23	C	24	D	25	A
26	B	27	C	28	D	29	A	30	B
31	C	32	D	33	A	34	B	35	C
36	D	37	A	38	B	39	C	40	D