CLAT PG Public International Law Sample Paper – 6

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 statements most accurately describes the legal distinction between *jus cogens* norms and ordinary rules of customary international law?

(A) Ordinary customary international law binds only those states that have actively participated in its formation, whereas *jus cogens* norms bind all states including persistent objectors.

(B) *Jus cogens* norms are peremptory in character and cannot be derogated from by any treaty or agreement between states, whereas ordinary customary international law may be displaced by contrary treaty provisions inter partes.

(C) Both *jus cogens* norms and ordinary customary international law operate at the same hierarchical level in the international legal order; the difference lies solely in their regional versus universal applicability.

(D) *Jus cogens* norms acquire their peremptory status exclusively through codification in multilateral treaties adopted by the UN General Assembly, and not through customary processes.

Q2. Some international law scholars characterise the UN Charter as a "constitutional instrument" of the international community. Which of the following arguments provides the strongest textual and doctrinal basis for this characterisation?

(A) The Charter's preamble, which speaks in the name of "We the Peoples," imports a democratic legitimacy equivalent to that of national constitutions, placing it above all other treaties automatically.

(B) The Charter's Art. 2(6), which purports to bind non-member states to the principle of non-use of force, demonstrates a claim to universality that ordinary treaties cannot assert.

(C) Article 103 of the UN Charter stipulates that Charter obligations prevail over obligations arising under any other international agreement, thereby establishing a hierarchical supremacy of the Charter within the treaty system.

(D) The Security Council's Chapter VII powers replicate the legislative function of national parliaments and therefore render the Charter constitutionally superior to all other sources of international law.

Q3. When assessing whether a particular form of conduct qualifies as "state practice" for the purpose of customary international law formation, which of the following is *least* likely to be accepted as relevant practice by the International Court of Justice?

(A) Domestic court decisions in which national judges apply an alleged rule of international law to facts before them.

(B) Diplomatic correspondence between foreign ministries, including verbal notes asserting or disclaiming specific legal rights.

(C) Military manuals and rules of engagement issued by armed forces of states that set out obligations under the laws of armed conflict.

(D) Resolutions adopted by a domestic political party's internal policy committee endorsing a proposed rule of international law, without any corresponding executive or legislative action.

Q4. The ICJ in the *North Sea Continental Shelf* cases (1969) drew an important distinction regarding the relationship between multilateral treaty provisions and customary international law. Which of the following best captures that distinction?

(A) A treaty provision may reflect pre-existing custom, crystallise custom in the process of its adoption, or generate new custom through subsequent state practice, and these three pathways must be distinguished when determining whether non-parties are bound.

(B) Once a multilateral treaty attains near-universal ratification, all its provisions automatically become binding as customary international law upon non-parties by operation of the principle of subsequent custom.

(C) Treaty provisions on continental shelf delimitation were held by the Court in those cases to have entirely superseded the customary rules, leaving no residual role for custom among states parties.

(D) The Court held that Art. 6 of the 1958 Geneva Convention on the Continental Shelf had generated new customary law at the moment of adoption because it was supported by a majority of states at the conference.

Q5. The International Law Commission is mandated to undertake the "progressive development" and "codification" of international law under its Statute. Which statement best explains the legal significance of this dual mandate?

(A) Codification refers to identifying and restating rules of law that already exist, while progressive development means proposing entirely new rules with no basis in state practice; together they give the ILC legislative authority superior to treaty negotiation.

(B) Codification denotes the precise formulation of rules deriving from existing practice, custom, and doctrine, whereas progressive development involves formulating rules *de lege ferenda* in areas where the law is unsettled or undeveloped; the products of both processes must then be validated through state practice and acceptance to acquire binding force.

(C) The ILC's codification output constitutes an authoritative and binding restatement of custom once adopted by the UN General Assembly, whereas its progressive development recommendations are mere academic proposals without legal effect.

(D) The distinction between codification and progressive development was abandoned by the ILC after 1966 because the Commission recognised that all ILC drafts simultaneously restate and create law.

Q6. Under Art. 33 of the Vienna Convention on the Law of Treaties, when the text of a treaty authenticated in two or more languages reveals a difference in meaning that cannot be resolved by Arts. 31–32, what is the applicable rule?

(A) The version in the language most widely spoken among the states parties shall prevail, since the majority interest principle governs treaty interpretation.

(B) The text negotiated in the language first used during the drafting conference shall be treated as the master version, as that language best captures the original *travaux préparatoires*.

(C) The meaning that best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted, reflecting a presumption that the parties intended a single meaning across all authentic texts.

(D) The court or tribunal seized of the dispute has absolute discretion to select whichever authentic text produces the most equitable outcome for the parties.

Q7. Under Arts. 49 and 50 of the VCLT, fraud and corruption of a state representative are recognised grounds for invalidating consent to a treaty. Which of the following propositions is *correct* regarding the operation of these grounds?

(A) Fraud vitiates the treaty in its entirety as between all parties, regardless of whether only one state's representative was induced by the fraudulent conduct.

(B) Corruption of a representative under Art. 50 requires proof that the corrupting state itself authorised the act of corruption at the highest governmental level.

(C) Both fraud and corruption are available as grounds of invalidity only where the affected state raises them within two years of discovering the relevant facts, after which the right of avoidance is extinguished by laches.

(D) Fraud under Art. 49 and corruption under Art. 50 are relative grounds of invalidity, meaning that only the state whose consent was procured thereby may invoke them; the treaty continues in force as between all other parties.

Q8. Article 25 of the Vienna Convention on the Law of Treaties provides for the provisional application of a treaty or part of a treaty prior to its entry into force. Which of the following most accurately states the legal regime applicable to provisional application?

(A) Provisional application creates binding obligations for the provisionally applying state to the same extent as if the treaty had entered into force, unless the treaty or the negotiating states determine otherwise; a state may terminate provisional application by notifying the other states of its intention not to become a party.

(B) Provisional application is exclusively available for treaties concluded under the auspices of international organisations and cannot be invoked for bilateral instruments.

(C) During provisional application, a state incurs no legal obligations;

it merely signals political intent to ratify and may withdraw at will without invoking the notice procedures of the VCLT.

(D) Provisional application automatically converts into definitive entry into force once two-thirds of negotiating states have expressed consent to be bound, even without completion of domestic ratification procedures.

Q9. In its 1951 Advisory Opinion on *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, the ICJ departed from the traditional unanimity rule for reservations. Which principle did the Court enunciate?

(A) A state may not enter any reservation to a multilateral human rights treaty; any purported reservation renders the entire instrument of ratification void *ab initio*.

(B) A state that has made a reservation to which one or more parties object may nonetheless be regarded as a party to the convention if the reservation is compatible with the object and purpose of the convention, and the objecting state-party relationship is governed by the reservation to the extent of the incompatibility.

(C) Every reservation to the Genocide Convention requires unanimous acceptance by all existing parties; failure to obtain such acceptance results in automatic exclusion of the reserving state from the convention.

(D) The Court declined to rule on reservations to the Genocide Convention and instead referred the matter to the General Assembly for guidance, since the Convention itself was silent on the issue.

Q10. Article 13 of the Vienna Convention on the Law of Treaties recognises that consent to be bound may be expressed by an exchange of instruments constituting a treaty. Under this provision, in what circumstances does such an exchange constitute consent?

(A) Only when the exchange occurs through formal diplomatic channels and the instruments are personally signed by Heads of State or Ministers for Foreign Affairs.

(B) Whenever two states exchange any written communications that reference an earlier framework agreement, provided those communications are registered with the UN Secretariat under Art. 102 of the UN Charter.

(C) Where the instruments provide that their exchange shall constitute consent to be bound, or where it is otherwise established that the negotiating states had agreed that the exchange of instruments would have that effect.

(D) When the exchange is effected through a multilateral depositary and the instruments include a standard final clause expressing intent to be legally bound within a prescribed period not exceeding ninety days.

Q11. Article 20 of the ILC Articles on State Responsibility (ASR) recognises valid consent as a circumstance precluding the wrongfulness of an act that would otherwise constitute an internationally wrongful act. Which limitation on the consent defence is most legally significant?

(A) Consent is unavailable as a defence where the consenting state is a developing country, since international law recognises a structural inequality of bargaining power in such cases.

(B) Consent precludes wrongfulness only if given in writing and registered with the UN Secretariat prior to commission of the act to which consent is extended.

(C) A state may consent in advance to any act, including acts that would otherwise breach *jus cogens* norms, provided that consent is freely given and not obtained by duress.

(D) Consent cannot preclude wrongfulness in relation to obligations arising under *jus cogens* norms, since such peremptory norms protect interests of the international community as a whole and cannot be displaced by bilateral agreement.

Q12. Article 21 of the ILC Articles on State Responsibility provides that self-defence, as defined in the UN Charter, precludes the wrongfulness of an act. What is the precise scope of this preclusion as understood in international law?

(A) Self-defence under Art. 21 ASR only precludes wrongfulness with respect to the obligation not to use force; it does not affect obligations under international humanitarian law, nor does it relieve the acting state of its duty to comply with other primary rules of international law.

(B) Self-defence precludes wrongfulness entirely: a state acting in lawful self-defence is exempt from all obligations under international law, including those relating to the treatment of prisoners of war and civilian populations.

(C) The self-defence defence under Art. 21 ASR is broader than the Charter right; it encompasses not only armed self-defence but also countermeasures, diplomatic reprisals, and economic coercion in response to any internationally wrongful act.

(D) Art. 21 ASR codifies a rule that the right of self-defence is available only to permanent members of the UN Security Council, since only they bear primary responsibility for international peace and security.

Q13. The ILC Articles on State Responsibility enumerate six circumstances that preclude the wrongfulness of an otherwise internationally wrongful act. Which of the following correctly lists all six circumstances?

(A) Consent, self-defence, retaliation, distress, necessity, and compliance with a peremptory norm.

(B) Consent, self-defence, countermeasures, force majeure, distress, and necessity.

(C) Consent, self-defence, countermeasures, force majeure, distress, and compliance with Security Council resolutions.

(D) Self-defence, necessity, distress, force majeure, retorsion, and UN authorisation.

Q14. The distinction between "continuous" and "composite" internationally wrongful acts under Arts. 14–15 of the ILC ASR has important consequences for temporal jurisdiction. Which statement correctly captures this distinction?

(A) A continuous wrongful act is one whose breach occurs only at the moment of the last act in a series, whereas a composite wrongful act extends over an entire period beginning with the first act.

(B) Both continuous and composite wrongful acts are treated identically for jurisdictional purposes; the only difference is whether the act involves the conduct of one state organ or multiple organs.

(C) A continuous wrongful act extends over the entire period during which the act continues and remains not in conformity with the international obligation, whereas a composite wrongful act arises from a series of individual acts or omissions that together constitute a breach, with the breach occurring when the series of acts, taken as a whole, attains the required threshold.

(D) Composite internationally wrongful acts are only recognised in the context of genocide and crimes against humanity; for all other categories, only instantaneous or continuous acts are legally cognisable.

Q15. Under the United Nations Convention on the Law of the Sea, what is the legal regime governing the laying of submarine cables and pipelines by states on the seabed of the exclusive economic zone and continental shelf of another state?

(A) Only the coastal state or entities it licenses may lay submarine cables and pipelines in its EEZ and on its continental shelf; all foreign states require express authorisation before any cable or pipeline may be laid.

(B) Foreign states have an absolute right to lay submarine cables and pipelines anywhere on the high seas seabed and the EEZ without any obligation to consult the coastal state.

(C) Submarine cables on the continental shelf are governed exclusively by the 1884 Convention for the Protection of Submarine Telegraph Cables and UNCLOS has no application to them.

(D) All states have the right to lay submarine cables and pipelines on the continental shelf of another state, but the delineation of the course for the laying of such cables or pipelines is subject to the consent of the coastal state.

Q16. Part X of UNCLOS and related provisions confer specific rights on landlocked and geographically disadvantaged states. Which statement most accurately describes the right of access to and from the sea granted to landlocked states?

(A) Landlocked states enjoy the right of access to and from the sea for the purpose of exercising the rights provided under UNCLOS, including freedom of the high seas and access to the Area, and transit states are required to grant, by agreement, freedom of transit to landlocked states through their territory by all means of transport.

(B) Landlocked states are entitled to claim a 200-nautical-mile EEZ measured from the nearest coastal baseline of any transit state through which their goods habitually pass.

(C) UNCLOS grants landlocked states a right to establish an exclusive fishing zone in the EEZ of adjacent coastal states in direct proportion to their population size.

(D) The access rights of landlocked states under UNCLOS are limited to the navigation of international straits; they have no treaty-based right to traverse the territorial sea of transit states.

Q17. The International Tribunal for the Law of the Sea and the ICJ have developed a three-stage methodology for delimiting maritime boundaries. Which of the following correctly describes that methodology?

(A) The tribunal first identifies all relevant special circumstances; if any exist, it proceeds directly to an adjusted line without constructing an equidistance line, since special circumstances displace the equidistance method entirely.

(B) The tribunal first constructs a provisional equidistance line, then considers whether relevant circumstances require adjustment of that line to achieve an equitable result, and finally conducts a disproportionality check by comparing the ratio of coastal lengths to maritime areas awarded.

(C) The delimitation begins with the identification of the relevant area; the tribunal then divides it proportionally according to the length of each party's coastline without constructing any geometric baseline.

(D) Maritime boundary delimitation is exclusively governed by the equidistance principle; the "special circumstances" doctrine was formally rejected by the ICJ in the *Libya/Malta* case (1985) as incompatible with UNCLOS.

Q18. Part XV of UNCLOS establishes a system of compulsory dispute settlement. Under this system, if the parties to a dispute have not agreed on a forum, what is the default forum for compulsory proceedings entailing binding decisions?

(A) The dispute must be referred to the ICJ, since the Court is the principal judicial organ of the United Nations and therefore has primary jurisdiction over all law of the sea disputes.

(B) The dispute is automatically submitted to the Commission on the Limits of the Continental Shelf, which has exclusive jurisdiction to resolve all boundary-related disputes under UNCLOS.

(C) Arbitration under Annex VII of UNCLOS constitutes the residual default forum where parties have not agreed otherwise and have not made declarations selecting another procedure under Art. 287; an Annex VII tribunal has jurisdiction over all categories of dispute not excluded by Art. 297 or declared exempt under Art. 298.

(D) The UNCLOS dispute settlement system is purely voluntary; no compulsory procedures entailing binding decisions operate unless all parties to the specific dispute consent in writing at the time the dispute arises.

Q19. The *ne bis in idem* principle in international criminal law, as reflected in the Rome Statute of the International Criminal Court, differs in important respects from the classic double jeopardy rule in domestic law. Which statement correctly identifies the most significant difference?

(A) The Rome Statute completely eliminates the *ne bis in idem* protection for individuals previously tried by the ICC, on the basis that the ICC's jurisdiction is inherently superior to that of national courts.

(B) Under the Rome Statute, a prior acquittal by a national court on charges identical to those before the ICC always bars ICC jurisdiction, regardless of whether the national proceedings were conducted in good faith.

(C) The Rome Statute adopts a strict version of *ne bis in idem* that prevents any national court from retrying an individual previously convicted or acquitted by the ICC, but imposes no corresponding restriction on the ICC itself.

(D) Under Art. 20(3) of the Rome Statute, the ICC may exercise jurisdiction over a person previously tried by another court for the same conduct if the prior proceedings were conducted in a manner inconsistent with an intent to bring the person to justice, or were not conducted independently or impartially in accordance with norms of due process.

Q20. In the *Arrest Warrant of 11 April 2000* case (ICJ, 2002), the Court considered the immunity of a serving Foreign Minister from the criminal jurisdiction of foreign national courts. What was the Court's principal holding?

(A) A serving Foreign Minister enjoys full immunity from criminal jurisdiction in foreign states and the inviolability of the person, and the issue and international circulation of an arrest warrant for a serving

Foreign Minister by a foreign court constitutes a violation of international law, even if the warrant has not yet been enforced.

(B) The Court held that, notwithstanding functional immunity, a Foreign Minister accused of international crimes enjoys no personal immunity from foreign criminal jurisdiction during tenure in office.

(C) Under the *Arrest Warrant* judgment, immunity of a Foreign Minister is limited to acts performed in the exercise of official functions; private acts committed prior to or during office are fully subject to foreign criminal jurisdiction.

(D) The Court held that customary international law confers immunity on heads of state but not on Foreign Ministers, since the latter do not exercise sovereign power in their own right.

Q21. Article 40 of the Vienna Convention on Diplomatic Relations (VCDR) deals with the position of diplomatic agents in transit. Which of the following correctly states the obligations of a third state through whose territory a diplomatic agent is passing in transit?

(A) A third state has no obligations under the VCDR regarding a diplomatic agent in transit; the VCDR is a bilateral instrument and creates obligations only between sending and receiving states.

(B) If a diplomatic agent of a sending state passes through or is in the territory of a third state while proceeding to or returning from the receiving state, the third state is obliged to accord the agent inviolability and such other immunities as may be required to ensure transit or return.

(C) A diplomatic agent in transit through a third state enjoys the same full immunities as in the receiving state, including immunity from all civil, criminal, and administrative jurisdiction of the third state.

(D) Under Art. 40 VCDR, the third state's obligations are conditional on the third state having previously recognised the diplomatic agent's credentials; absent such recognition, no immunity applies in transit.

Q22. Article 11 of the Vienna Convention on Diplomatic Relations addresses the size of diplomatic missions. Which statement correctly reflects the position under that provision?

(A) The sending state has an unconditional right to determine the size of its diplomatic mission; the receiving state may not impose any restriction on mission size without violating the VCDR.

(B) Art. 11 VCDR fixes a maximum permitted size for diplomatic missions at fifteen diplomatic staff (exclusive of service staff) for all states, regardless of bilateral relations.

(C) In the absence of a specific agreement on mission size, the receiving state may require that the size of the mission be kept within limits it considers reasonable and normal, having regard to circumstances and conditions in the receiving state and the needs of the particular mission.

(D) The size of a diplomatic mission is governed exclusively by reciprocity; each state must maintain a mission of exactly the same size as that maintained by the other state in its capital.

Q23. The Vienna Convention on Diplomatic Relations imposes a specific obligation on the receiving state regarding the protection of mission premises. Which provision and content correctly captures this obligation?

(A) Art. 29 VCDR obliges the receiving state to protect the person of the diplomatic agent from any intrusion or attack on the diplomat's honour and dignity, but creates no separate obligation regarding the physical premises of the mission.

(B) Art. 22(1) VCDR stipulates that mission premises are inviolable; however, emergency services (fire, police) of the receiving state may enter mission premises without consent in cases of immediate threat to life.

(C) Under the VCDR, the receiving state's duty to protect mission premises is a best-efforts obligation that is satisfied by the provision of normal police patrols in the vicinity of the mission.

(D) Article 22(2) of the VCDR imposes a specific obligation on the receiving state to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

Q24. Under the Vienna Convention on Consular Relations (VCCR), what is an *exequatur* and what are the legal consequences if the receiving state refuses to grant it?

(A) An *exequatur* is the authorisation granted by the receiving state permitting a consular officer to exercise consular functions; if the receiving state refuses to grant the *exequatur* or withdraws it, the sending state must recall the person concerned or cease to employ that person as a member of the consulate, and the receiving state is not obliged to give reasons for the refusal.

(B) An *exequatur* is the instrument by which the sending state formally notifies the receiving state of the appointment of a consular officer; it must be issued by the head of state of the sending state and countersigned by the Minister for Foreign Affairs.

(C) Under the VCCR, failure to obtain an *exequatur* within ninety days of notification of appointment automatically confers provisional recognition on the consular officer with full consular immunities.

(D) The *exequatur* is the document issued by the ICJ certifying that a consular officer's appointment complies with the minimum standards required under the VCCR.

Q25. Under Arts. 26 and 31 of the Statute of the International Court of Justice, how are ad hoc judges appointed and what is their function?

(A) Ad hoc judges are appointed by the UN Secretary-General from a standing panel of international law experts whenever fewer than three members of the full Court share the nationality of a party to a dispute.

(B) Where a party to a case before the ICJ does not have a judge of its nationality on the bench, that party is entitled to choose an ad hoc judge to sit for that case; ad hoc judges take part in the decision on equal footing with other members of the Court, deliberate in all meetings, and may write separate opinions.

(C) Ad hoc judges are appointed only in chamber proceedings under Art. 26; in plenary proceedings before the full Court, the nationality-based appointment right does not apply.

(D) An ad hoc judge chosen by a party has only an advisory role; the ad hoc judge may attend deliberations and submit written memoranda but has no vote in the final decision.

Q26. The United Nations Trusteeship Council was one of the six principal organs of the UN. Which of the following most accurately describes its current status and the reason for its de facto suspension of operations?

(A) The Trusteeship Council was formally dissolved by a 1994 amendment to the UN Charter adopted after the independence of Palau, the last trust territory, since Art. 108 requires Charter amendments to eliminate defunct organs.

(B) The Trusteeship Council was merged with the Peacebuilding Commission in 2005 pursuant to the World Summit Outcome Document, which transferred its functions regarding post-conflict territorial administration.

(C) The Trusteeship Council suspended its operations in 1994 after the independence of Palau, the last remaining trust territory under the United Nations Trusteeship System; it still exists as a principal organ under the Charter but operates on an *as-needed* basis and has held no formal meetings since.

(D) The Trusteeship Council continues to meet annually and currently exercises oversight over three territories – Western Sahara, Kosovo, and Palestine – designated as international trust territories by Security Council resolution.

Q27. The World Health Organization possesses quasi-legislative powers that distinguish it from many other international organisations. Which of the following most accurately describes these powers?

(A) The WHO has the power to adopt binding international treaties on global health matters by a simple majority of the World Health Assembly, and such treaties enter into force for all member states immediately upon adoption without any domestic ratification requirement.

(B) The WHO may issue binding "directives" on member states in relation to outbreak response; non-compliance triggers automatic suspension of the defaulting state's voting rights in the World Health Assembly.

(C) Under Art. 21 of the WHO Constitution, the World Health Assembly may adopt regulations on matters such as sanitary and quarantine requirements; under Art. 22, such regulations enter into force for all members after due notice, except for those members that notify the Director-General of rejection or reservations within a stated period (the "contracting out" procedure).

(D) The WHO's International Health Regulations (2005) are legally binding on all UN member states because they were adopted by a unanimous vote of the Security Council acting under Chapter VII of the UN Charter.

Q28. The UN human rights treaty body system includes bodies established under core international human rights instruments. Which of the following statements most accurately describes the Human Rights Committee established under the International Covenant on Civil and Political Rights (ICCPR)?

(A) The Human Rights Committee consists of eighteen experts serving in their personal capacity; its primary functions include examining states parties' periodic reports, issuing general comments, and – where states have ratified the Optional Protocol – considering individual communications alleging violations of the ICCPR.

(B) The Human Rights Committee is a subsidiary organ of the UN Human Rights Council and exercises binding interpretive authority over the ICCPR; its Views on individual communications are enforceable in national courts.

(C) The Human Rights Committee has the power to impose sanctions on states parties that repeatedly violate ICCPR obligations, following a referral from the UN High Commissioner for Human Rights.

(D) Membership of the Human Rights Committee is open to state representatives rather than independent experts; each state party to the ICCPR is entitled to nominate one member to sit on the Committee.

Q29. International adjudication has no formal rule equivalent to the domestic doctrine of *lis pendens* preventing parallel proceedings before different tribunals. Which of the following best describes how international courts and tribunals have approached this problem?

(A) The ICJ has developed a doctrine of compulsory consolidation under which any state party to an ICJ proceeding may apply to have parallel arbitral proceedings suspended pending the ICJ judgment; the ICJ order of suspension is automatically binding on the arbitral tribunal.

(B) International courts and tribunals have generally declined to develop a strict *lis pendens* rule, instead employing pragmatic tools such as declining jurisdiction on grounds of *electa una via* in investment treaty contexts, staying proceedings pending related litigation, or exercising inherent powers to avoid inconsistency, while acknowledging the risk of conflicting decisions arising from the fragmentation of international adjudicatory fora.

(C) The 2004 UN Convention on Jurisdictional Immunities codified a binding *lis pendens* rule applicable to all international tribunals, requiring that the first tribunal seized of a matter retain exclusive jurisdiction over all related claims.

(D) Parallel proceedings in international law are entirely unproblematic because each court or tribunal applies the same body of international law and will therefore reach identical conclusions on common factual and legal questions.

Q30. Under the UNCITRAL Arbitration Rules (as revised in 2010 and 2013), in the absence of agreement by the parties, how is the appointing authority selected for an investor-state arbitration?

(A) The appointing authority for UNCITRAL arbitrations is automatically the Secretary-General of the Permanent Court of Arbitration; this is a default rule that cannot be displaced by party agreement.

(B) In the absence of a prior agreement, the claimant investor unilaterally selects the appointing authority from a list of recognised institutions published by UNCITRAL, subject to the respondent state's right of veto.

(C) Under the 2010 UNCITRAL Rules, in the absence of prior agreement, a party may request the Secretary-General of the Permanent Court of Arbitration to designate an appointing authority; the designated authority then appoints arbitrators when the parties fail to agree or the agreed procedure is not followed.

(D) The UNCITRAL Arbitration Rules confer appointing authority functions exclusively on the World Bank's ICSID Secretariat, as UNCITRAL itself is a legislative body without institutional arbitral infrastructure.

Q31. The ICJ may exercise jurisdiction on the basis of *forum prorogatum*. Which of the following most accurately explains how this doctrine operates in practice before the Court?

(A) *Forum prorogatum* applies where the respondent state consents, after the filing of an application, to the jurisdiction of the Court; consent may be expressed explicitly through a formal declaration or implicitly through conduct that unambiguously demonstrates willingness to participate in the proceedings on the merits.

(B) *Forum prorogatum* is available only where both states are parties to the Optional Clause under Art. 36(2) of the ICJ Statute with overlapping declarations, and the scope of jurisdiction is determined by the more restrictive of the two declarations.

(C) Under the doctrine of *forum prorogatum*, the ICJ assumes jurisdiction whenever the respondent fails to file preliminary objections within the time limit prescribed by the Rules of Court, since silence is treated as constructive consent.

(D) *Forum prorogatum* is a doctrine allowing the ICJ to extend jurisdiction ratione materiae beyond the subject-matter specified in a compromissory clause, where both parties subsequently raise claims falling outside that clause without formal jurisdictional objection.

Q32. Article 57 of Additional Protocol I to the Geneva Conventions prescribes precautionary obligations applicable to those planning or deciding upon attacks. Which of the following most accurately describes the obligation imposed on commanders?

(A) Those who plan or decide upon an attack must do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects, take all feasible precautions in the choice of means and methods to avoid or minimise incidental civilian casualties, and refrain from deciding to launch an attack when it would be excessive in relation to the concrete and direct military advantage anticipated.

(B) Art. 57 API requires commanders to obtain prior written approval from a competent legal adviser before authorising any attack; failure to obtain such approval renders the attack unlawful regardless of the military outcome.

(C) The precautions-in-attack obligation under Art. 57 API is a *best efforts* standard applicable only to attacks by air; ground combat operations are exclusively governed by Hague Regulation XIII.

(D) Under Art. 57 API, attacks on dual-use infrastructure are categorically prohibited; no military advantage, however significant, can justify collateral civilian harm arising from strikes on objects serving both civilian and military purposes.

Q33. Under the customary laws of armed conflict applicable to siege warfare and naval blockade, which rule most directly protects civilian populations from the most severe effects of these operations?

(A) A siege is lawful only if the besieging force gives the civilian population at least seventy-two hours' notice and provides an agreed humanitarian corridor; failure to do so constitutes a *per se* war crime.

(B) A party conducting a siege or naval blockade must allow and facilitate the free passage of humanitarian relief consignments – including food, medical supplies, and clothing – intended for civilians, where the population faces starvation or is in urgent need of other essential supplies, subject to the right to inspect and control such consignments.

(C) Siege warfare is categorically prohibited under customary IHL regardless of military necessity because it inevitably and indiscriminately affects the civilian population; the only lawful alternative to siege operations is direct ground assault.

(D) Naval blockades are prohibited under UNCLOS Part VII as a form of interference with the freedom of navigation on the high seas, and no exception exists for blockades imposed in the context of armed conflict.

Q34. The system of "grave breaches" established in the four Geneva Conventions of 1949 and Additional Protocol I creates a regime of mandatory repression. Which statement most accurately describes this regime?

(A) States parties to the Geneva Conventions may prosecute grave breaches only if the accused is a national of the prosecuting state; non-nationals may be tried only through extradition to the state of nationality.

(B) Grave breaches of the Geneva Conventions may only be prosecuted by the territorial state in which the breach occurred; the grave breach system does not contemplate prosecution by other states.

(C) States parties are under an obligation to search for persons alleged to have committed or to have ordered the commission of grave breaches, and to either prosecute those persons before their own courts or extradite them to another state able and willing to do so, regardless of the nationality of the offender or the place of commission – the *aut dedere aut judicare* obligation.

(D) The grave breach regime creates a right but not an obligation to prosecute; states parties may elect, in lieu of prosecution, to pay reparations to the victims or their families as a form of substitutive accountability.

Q35. The African human rights system is governed primarily by the African Charter on Human and Peoples' Rights (1981) and the Protocol on the Establishment of an African Court on Human and Peoples' Rights (1998). Which statement most accurately describes a distinctive feature of the African Charter compared to other regional human rights instruments?

(A) The African Charter is the only regional human rights instrument that allows the African Court to award punitive damages against state parties that violate the Charter, in addition to compensatory reparations.

(B) Unlike the European and Inter-American systems, the African Charter has no provision for individual petition; only states parties may submit communications to the African Commission on Human and Peoples' Rights.

(C) The African Charter is unique in providing that all rights guaranteed therein are absolute and non-derogable, including the right to liberty and the right to a fair trial, regardless of declared states of emergency.

(D) The African Charter uniquely incorporates not only individual civil and political and economic, social, and cultural rights but also "peoples' rights," including the right of peoples to self-determination, to freely dispose of their natural resources, and to development, alongside explicit duties of the individual towards the family, society, and the state.

Q36. Article 27 of the International Covenant on Civil and Political Rights protects the rights of persons belonging to ethnic, religious, or linguistic minorities. Which of the following most accurately describes the content and scope of Art. 27 as interpreted by the Human Rights Committee?

(A) Article 27 confers on individuals belonging to minorities the right to enjoy their own culture, practise their religion, and use their own language; the Human Rights Committee has interpreted "culture" to include traditional economic activities such as fishing and reindeer herding, and the right imposes positive obligations on states parties to protect and promote the conditions enabling minority groups to exercise these rights.

(B) Art. 27 ICCPR is limited to the protection of linguistic minorities; it does not extend to religious or ethnic minorities, which are separately addressed in the Convention on the Prevention and Punishment of the Crime of Genocide.

(C) Under Art. 27, a minority group acquires protected status only if it constitutes more than ten per cent of the population of the relevant state; numerically smaller groups are left to the protection of general non-discrimination provisions.

(D) Art. 27 exclusively protects indigenous peoples; the Human Rights Committee has held that the term "minorities" in that article refers solely to autochthonous communities and not to migrant or diaspora minorities.

Q37. In the context of state recognition, what does the doctrine of "premature recognition" hold, and why is it considered unlawful under general international law?

(A) Premature recognition is recognition extended to a new government that has not yet consolidated effective control over the territory; it is unlawful because it violates the Montevideo criteria for statehood.

(B) Premature recognition refers to the recognition by third states of a secessionist entity or insurgent movement as a new state before the parent state has consented or before the secession has been definitively settled; such recognition is considered an unlawful intervention in the internal affairs of the parent state because it pre-empts the right of self-determination of the state's population as a whole and amounts to an internationally wrongful act of coercion.

(C) Premature recognition is a doctrine prohibiting recognition of any new government arising from an unconstitutional change of power; its unlawfulness flows from the obligation to uphold constitutional order under general international law.

(D) The doctrine of premature recognition applies only in the context of colonial situations; once a people has achieved independence, any subsequent recognition of rival claimants to state succession is governed by the law of state succession rather than the law of recognition.

Q38. International law distinguishes between "state succession" and "government succession." Which of the following most accurately explains this distinction and its practical consequences?

(A) State succession and government succession are functionally identical; in both cases, the successor entity assumes all rights and obligations of the predecessor without any discontinuity.

(B) Government succession refers to the replacement of one state by another with respect to responsibility for international relations of a territory; state succession refers only to a change in the head of government through constitutional or unconstitutional means.

(C) State succession occurs when one state replaces another in the responsibility for the international relations of territory (e.g., through merger, dissolution, or decolonisation), triggering complex questions of treaty continuity and state property governed by the 1978 and 1983 Vienna Conventions; government succession, by contrast, refers to a change of government within the same continuing state and does not alter the state's international legal personality or its treaty obligations.

(D) State succession is governed by the principle of universal succession, under which the successor state automatically assumes all treaties of the predecessor; government succession is governed by the tabula rasa doctrine, under which the new government is free to renegotiate all international commitments.

Q39. The principle of Common but Differentiated Responsibilities (CBDR), first articulated in Principle 7 of the Rio Declaration (1992), has been incorporated into several multilateral environmental agreements. Which of the following most accurately describes the legal content of this principle?

(A) CBDR creates legally binding obligations for developed states to transfer specified minimum percentages of their GDP to developing states for environmental compliance purposes, enforceable through arbitration under the relevant treaty.

(B) Under CBDR, developed states bear sole responsibility for environmental harm caused since the Industrial Revolution; developing states are entirely exempt from all environmental obligations under international law until they reach a defined per-capita income threshold.

(C) CBDR is a purely political declaration with no normative content; it has not been incorporated into any legally binding international instrument and therefore generates no legal rights or obligations for any state.

(D) CBDR acknowledges the common responsibility of all states to protect the global environment while recognising that states have different capacities and have contributed differently to environmental degradation; this justifies differentiated commitments, timelines, and levels of effort, while not exempting developing states from all environmental obligations, as reflected in instruments such as the UNFCCC and the Paris Agreement.

Q40. The Antarctic Treaty (1959) established a distinctive legal regime for the Antarctic continent. Which of the following most accurately describes the demilitarisation regime under the Treaty?

(A) Article I of the Antarctic Treaty prohibits any measures of a military nature in Antarctica, including the establishment of military bases and fortifications, the carrying out of military manoeuvres, and the testing of any type of weapon; however, it expressly permits the use of military personnel or equipment for scientific research or for any other peaceful purpose.

(B) The Antarctic Treaty demilitarises the continent absolutely, prohibiting even the presence of military personnel in Antarctica for any purpose, including scientific support missions.

(C) Under the Antarctic Treaty, demilitarisation is an aspirational objective rather than a legal obligation; states parties may maintain military presences in their respective territorial sectors provided they notify the depositary state in advance.

(D) The Antarctic Treaty prohibits only nuclear weapons and long-range ballistic missiles in Antarctica; conventional military forces may be deployed for defensive purposes in claimed sectors by claimant states.

Detailed Solutions

Q1.

Solution

Concept — Hierarchy of Norms / *Jus Cogens*: *Jus cogens* (peremptory norms of general international law) occupy the apex of the hierarchy of norms in international law. Unlike ordinary customary international law, they cannot be derogated from even by consent between states.

Analysis: Art. 53 VCLT defines a *jus cogens* norm as one from which "no derogation is permitted." This means any treaty or agreement that conflicts with a *jus cogens* norm is void *ab initio* (Art. 53) or terminates to the extent of conflict where a new peremptory norm emerges (Art. 64). Ordinary customary international law, by contrast, may be modified between states by treaty *inter partes*. Option (B) captures this hierarchical distinction precisely.

Why other options are wrong:

- Option A: The persistent objector rule applies to ordinary CIL, not to distinguish it from *jus cogens*; persistent objectors are not exempt from *jus cogens* norms.
- Option C: *Jus cogens* and ordinary custom do not operate at the same hierarchical level; the entire significance of Art. 53 VCLT is the superior rank of *jus cogens*.
- Option D: *Jus cogens* norms may emerge from customary processes without any codification in a UN General Assembly treaty.

Final Answer: *Jus cogens* norms cannot be derogated from by any agreement; ordinary CIL can be displaced by treaty *inter partes* $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q1

Q2.

Solution

Concept — UN Charter as Constitutional Instrument: The characterisation of the UN Charter as a constitutional instrument rests primarily on Art. 103, which establishes the Charter's supremacy over conflicting treaty obligations.

Analysis: Art. 103 provides that in the event of a conflict between obligations under the Charter and obligations under any other international agreement, the Charter obligations shall prevail. This hierarchical supremacy clause, combined with the Charter's near-universal membership and foundational role in the post-1945 order, underpins the constitutional characterisation advanced by scholars such as Fassbender. The ICJ has invoked Art. 103 in cases including *Lockerbie* (1992). Option (C) identifies this textual basis precisely.

Why other options are wrong:

- Option A: The preamble's "We the Peoples" language is rhetorical; it does not by itself confer automatic supremacy over all other treaties.
- Option B: Art. 2(6) reflects a claim to universality but does not itself establish hierarchical supremacy of Charter obligations in the treaty system.
- Option D: Security Council Chapter VII powers create legislative-type effects in specific resolutions but do not by themselves render the Charter constitutionally superior to all sources of international law.

Final Answer: Art. 103 UN Charter establishes hierarchical supremacy of Charter obligations over conflicting treaties $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q2

Q3.

Solution

Concept — State Practice for CIL Formation: For a rule of customary international law to form, the ILC's 2018 Conclusions on Identification of Customary International Law confirm that "state practice" must consist of conduct attributable to the state, including acts of the executive, legislature, and judiciary, as well as military manuals and diplomatic correspondence.

Analysis: Options (A), (B), and (C) describe forms of conduct routinely accepted as state practice by the ICJ and ILC: domestic court judgments applying international law (e.g., *Lotus* case reasoning), diplomatic notes, and military manuals (confirmed in ILC Conclusion 6). Option (D) refers to resolutions of a domestic political party's internal committee – an entirely private body with no public authority. Such conduct is not attributable to the state and cannot constitute state practice.

Why other options are wrong:

- Option A: Domestic court decisions applying CIL are expressly recognised as evidence of state practice.
- Option B: Diplomatic correspondence is a classic and primary form of state practice.

- Option C: Military manuals and rules of engagement are recognised as state practice, especially in IHL contexts.

Final Answer: Internal party committee resolutions without governmental action are not attributable to the state and are the least likely form of state practice ⇒ D

Answer: (D) Go Back to Q3

Q4.

Solution

Concept — Treaties as Evidence of CIL (*North Sea Continental Shelf*): The ICJ in the *North Sea Continental Shelf* cases (1969) clarified the three ways a treaty provision may interact with customary international law.

Analysis: The Court distinguished: (i) a treaty provision that was already declaratory of pre-existing custom at the time of adoption; (ii) a provision that crystallised emerging custom in the course of treaty-making; and (iii) a provision that generates new custom through subsequent widespread state practice following treaty adoption. These three pathways determine whether non-parties are bound by the same rule. The Court found Art. 6 of the 1958 Convention had not satisfied the requirements for any of these pathways vis-à-vis Germany. Option (A) is the correct formulation.

Why other options are wrong:

- Option B: Near-universal ratification does not automatically convert all treaty provisions into custom; each provision must be assessed separately.
- Option C: The Court did not hold that the treaty superseded custom; it sought to identify applicable customary rules alongside the treaty.
- Option D: The Court expressly held that Art. 6 had not crystallised as custom at the time of adoption; majority support at a conference is insufficient without the requisite *opinio juris*.

Final Answer: Three pathways (declaratory, crystallisation, generation) determine whether non-parties are bound by a treaty provision as custom ⇒ A

Answer: (A) Go Back to Q4

Q5.

Solution

Concept — ILC Codification vs. Progressive Development: Art. 15 of the ILC Statute defines codification as the "more precise formulation and systematisation of rules of international law in fields where there already has been extensive State practice, precedent and doctrine," and progressive development as "the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States."

Analysis: Option (B) captures both limbs accurately and correctly notes that neither codification nor progressive development output is automatically binding; ILC drafts acquire legal force only through state acceptance – typically via a diplomatic conference adopting a convention or through subsequent incorporation into customary practice. Options (A), (C), and (D) contain material errors regarding the binding nature or abandonment of the distinction.

Why other options are wrong:

- Option A: ILC does not have legislative authority superior to treaty negotiation; its drafts require state validation.
- Option C: ILC codification products adopted by the General Assembly are not automatically binding; they are authoritative but not self-executing as law.
- Option D: The ILC has not abandoned the distinction; it remains foundational to the Commission's work programme.

Final Answer: Codification restates existing law; progressive development proposes new law; both require state validation to acquire binding force $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q5

Q6.

Solution

Concept — Plurilingual Treaties and Art. 33 VCLT: Art. 33 VCLT governs the situation where a treaty authenticated in two or more languages discloses a difference in meaning that cannot be removed by applying Arts. 31 (general rule of interpretation) and 32 (supplementary means).

Analysis: Art. 33(4) provides: "... the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted." This reflects the presumption in Art. 33(3) that the terms of the treaty have the same meaning in each authentic text. The rule does not privilege any particular language, defer to the drafting language, or grant tribunals unfettered discretion. Option (C) precisely restates Art. 33(4).

Why other options are wrong:

- Option A: Prevalence of the most widely spoken language has no basis in Art. 33 VCLT.
- Option B: There is no VCLT rule treating the first drafting language as the master version; many treaties specify which text prevails.
- Option D: Art. 33(4) prescribes a specific method (reconciliation); it does not confer absolute discretion on courts.

Final Answer: The meaning that best reconciles conflicting authentic texts, having regard to object and purpose, governs under Art. 33(4) VCLT $\Rightarrow$ $\boxed{\text{C}}$

Answer: (C) Go Back to Q6

Q7.

Solution

Concept — Fraud and Corruption under VCLT Arts. 49–50: Arts. 49 and 50 VCLT establish fraud and corruption of a state representative as grounds for invalidating a state's consent to be bound by a treaty.

Analysis: Both fraud (Art. 49) and corruption (Art. 50) are classified as "relative" grounds of invalidity under the VCLT scheme – that is, they may only be invoked by the state whose consent was procured by fraud or corruption. Art. 69(4) and the general architecture of Part V confirm that relative grounds do not automatically void the treaty as against all parties; other parties' relations remain unaffected. Option (D) correctly identifies this "relative" character.

Why other options are wrong:

- Option A: Fraud does not automatically void the treaty as against all parties; only the victim state may invoke the ground.
- Option B: Art. 50 does not require that the corrupting state authorise the corruption at the highest governmental level; it suffices that the representative was corrupted by another negotiating state.
- Option C: The VCLT imposes no two-year limitation period for invoking fraud or corruption; the Convention requires only that grounds for invalidity be invoked through the procedures of Arts. 65–68.

Final Answer: Fraud (Art. 49) and corruption (Art. 50) are relative grounds of invalidity invocable only by the affected state $\Rightarrow$ $\boxed{\text{D}}$

Answer: (D) Go Back to Q7

Q8.

Solution

Concept — Provisional Application under Art. 25 VCLT: Art. 25 VCLT allows a treaty or part thereof to be applied provisionally before entry into force, subject to the terms of the treaty or a decision of the negotiating states.

Analysis: The ILC's 2021 Guide to Practice on Provisional Application of Treaties confirms that provisional application creates genuine legal obligations equivalent to those arising after entry into force. A state may terminate provisional application only by notifying its intention not to become a party to the treaty, and even then must do so in accordance with the terms agreed. The Energy Charter Treaty (Art. 45) is a leading example. Option (A) accurately reflects this regime.

Why other options are wrong:

- Option B: Art. 25 is not limited to treaties concluded under international organisations; it applies to all treaties.
- Option C: Provisional application creates genuine legal obligations, not mere political signals; withdrawal requires notification in accordance with agreed terms.
- Option D: Provisional application does not automatically convert to definitive entry into force; domestic ratification procedures must still be completed.

Final Answer: Provisional application under Art. 25 VCLT creates binding obligations; termination requires notification of intent not to become a party $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q8

Q9.

Solution

Concept — ICJ 1951 Advisory Opinion on Genocide Convention Reservations: The ICJ departed from the unanimous consent rule (under which a reserving state could participate only if all parties accepted its reservation) and introduced the compatibility test.

Analysis: The Court held that the humanitarian character of the Genocide Convention meant that universal participation was paramount. A state making a reservation incompatible with the object and purpose of the Convention could not be a party. Where the reservation was compatible with object and purpose, other states could object but the reserving state remained a party; the objecting state-party relationship was governed by the reservation. This is encapsulated in Option (B). The VCLT Arts. 19–23 later codified a version of this approach.

Why other options are wrong:

- Option A: The Court did not prohibit all reservations to the Genocide Convention; it introduced the object-and-purpose test.
- Option C: The Court expressly rejected the unanimity rule; it did not require unanimous acceptance.
- Option D: The Court engaged fully with the question on the merits; it did not refer it to the General Assembly.

Final Answer: Compatibility with object and purpose of the Convention governs validity of reservations; objection does not bar participation if reservation is compatible $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q9

Q10.

Solution

Concept — Consent by Exchange of Instruments (Art. 13 VCLT): Art. 13 VCLT provides that the consent of a state to be bound by a treaty may be expressed by an exchange of instruments constituting a treaty when the instruments so provide or when the states so agree.

Analysis: The operative condition under Art. 13 is either (i) that the instruments themselves provide that the exchange constitutes consent to be bound, or (ii) that it is otherwise established that the negotiating states agreed on this effect. This is a flexible mechanism used in executive agreements and simplified treaties. There is no requirement for signature by heads of state, UN registration as a precondition, a ninety-day period, or a multilateral depositary. Option (C) is the correct formulation.

Why other options are wrong:

- Option A: Art. 13 does not require signature by Heads of State or Ministers; any authorised representative may effect the exchange.
- Option B: UN registration is a Charter obligation under Art. 102 but is not a precondition for the validity of the treaty or the mechanism of consent under Art. 13 VCLT.
- Option D: Art. 13 contains no reference to a ninety-day period or multilateral depositary; these elements are not part of the provision.

Final Answer: Exchange of instruments constitutes consent where the instruments so provide or where the negotiating states have otherwise agreed to that effect $\Rightarrow \boxed{\text{C}}$

Answer: (C) **Go Back to Q10**

Q11.

Solution

Concept — Consent under Art. 20 ILC ASR: Art. 20 ASR provides that valid consent by a state to the commission of a given act by another state precludes the wrongfulness of that act in relation to the former state, to the extent the act remains within the limits of that consent.

Analysis: The critical limitation is that consent cannot preclude wrongfulness in respect of *jus cogens* obligations. Since *jus cogens* norms protect the interests of the international community as a whole, they cannot be displaced by bilateral agreement, no matter how freely given. Art. 26 ASR reinforces this by confirming that none of the circumstances precluding wrongfulness apply where the obligation in question arises under a peremptory norm. Option (D) identifies this fundamental limit.

Why other options are wrong:

- Option A: The ASR contains no special rule disadvantaging developing states; the consent defence is available without regard to the economic status of the consenting state.
- Option B: Art. 20 ASR contains no writing or UN registration requirement; consent may be given in any form.

- Option C: Consent cannot validate acts that breach *jus cogens* norms; Art. 26 ASR expressly limits this.

Final Answer: Consent cannot preclude wrongfulness for acts breaching *jus cogens* norms, which protect community interests beyond bilateral control $\Rightarrow$ $\boxed{\text{D}}$

Answer: (D) Go Back to Q11

Q12.

Solution

Concept — Self-Defence under Art. 21 ILC ASR: Art. 21 ASR provides that the wrongfulness of an act is precluded if it constitutes a lawful measure of self-defence taken in conformity with the United Nations Charter.

Analysis: Critically, the self-defence preclusion is limited in scope: it precludes wrongfulness with respect to the prohibition on the use of force (Art. 2(4) UN Charter), but it does not affect the state's obligations under IHL (the *lex specialis* of armed conflict), nor does it relieve the state of responsibility under other primary rules. The ILC Commentary to Art. 21 explicitly notes that a state acting in self-defence must still comply with IHL. Option (A) correctly captures this precise and limited scope.

Why other options are wrong:

- Option B: Self-defence does not exempt a state from all international obligations; IHL and other primary rules continue to apply.
- Option C: Art. 21 ASR reflects the Charter right of self-defence; it does not extend to economic coercion or diplomatic reprisals.
- Option D: The right of self-defence under Art. 51 UN Charter is available to all UN member states, not only permanent Security Council members.

Final Answer: Self-defence precludes wrongfulness only for the use of force obligation; IHL and other primary obligations remain in force $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q12

Q13.

Solution

Concept — Six Circumstances Precluding Wrongfulness (ILC ASR Chapter V): Arts. 20–25 of the ILC Articles on State Responsibility enumerate exactly six circumstances that preclude the wrongfulness of an otherwise internationally wrongful act.

Analysis: The six circumstances are: (1) Consent (Art. 20); (2) Self-defence (Art. 21); (3) Countermeasures (Art. 22); (4) Force majeure (Art. 23); (5) Distress (Art. 24); (6) Necessity (Art. 25). Option (B) lists these six correctly. Retorsion, retaliation, UN authorisation, and compliance with a peremptory norm are not among the enumerated circumstances.

Why other options are wrong:

- Option A: Replaces "countermeasures" with "retaliation," which is not a recognised circumstance in the ASR.
- Option C: Replaces "necessity" with "compliance with Security Council resolutions," which is not one of the six enumerated circumstances (though it may be relevant to other defences).
- Option D: Includes "retorsion" and "UN authorisation," neither of which figures in the ASR Chapter V list.

Final Answer: The six circumstances are consent, self-defence, countermeasures, force majeure, distress, and necessity $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q13

Q14.

Solution

Concept — Continuous vs. Composite Wrongful Acts (Arts. 14–15 ILC ASR): Arts. 14 and 15 address the temporal dimension of internationally wrongful acts for purposes of determining when a breach occurs and its duration – critical for jurisdictional and limitations purposes.

Analysis: Art. 14(2) defines a continuous wrongful act as one that "extends over the entire period during which the act continues and remains not in conformity with the international obligation." Art. 15 defines a composite act as one constituted by "a series of actions or omissions defined in aggregate as wrongful" where the breach occurs when the series has attained sufficient gravity. The threshold requirement (the series as a whole must attain the required character) is the key feature of composite acts. Option (C) captures both definitions correctly.

Why other options are wrong:

- Option A: Reverses the definitions: it is the composite act where the breach crystallises at the moment the series attains the required threshold, not the continuous act.
- Option B: The distinction is substantive (nature of the act), not merely organisational.
- Option D: Composite acts are not limited to genocide and crimes against humanity; they apply to any course of conduct defined in aggregate.

Final Answer: Continuous acts extend throughout the period of non-conformity; composite acts arise when the aggregate series reaches the requisite threshold ⇒ $\boxed{\text{C}}$

Answer: (C) Go Back to Q14

Q15.

Solution

Concept — Submarine Cables and Pipelines on the Continental Shelf (UNCLOS): UNCLOS Art. 79 governs submarine cables and pipelines laid on the continental shelf of a coastal state.

Analysis: Art. 79(1) provides that all states are entitled to lay submarine cables and pipelines on the continental shelf of a coastal state. However, Art. 79(3) requires that the "delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal state." This distinction – right to lay, but route subject to coastal state consent – is the key nuance. Option (D) correctly captures both limbs.

Why other options are wrong:

- Option A: Foreign states are not required to obtain express authorisation for laying cables or pipelines on the continental shelf; Art. 79(1) grants the right.
- Option B: The right is not absolute; the course of pipelines requires coastal state consent under Art. 79(3).
- Option C: UNCLOS Art. 79 is the applicable provision and displaces or complements the 1884 Cable Convention; it is not excluded.

Final Answer: All states may lay cables and pipelines on a coastal state's continental shelf, but the course of pipelines requires coastal state consent under Art. 79(3) UNCLOS ⇒ D

Answer: (D) Go Back to Q15

Q16.

Solution

Concept — Rights of Landlocked States under UNCLOS Part X: UNCLOS Art. 125 guarantees landlocked states the right of access to and from the sea for purposes of exercising the rights provided in the Convention.

Analysis: Art. 125(1) recognises the right of access; Art. 125(2) requires transit states to grant freedom of transit by all means of transport, to be regulated by agreement between landlocked and transit states. This right of access is essential to enable landlocked states to participate in the high seas regime, the deep seabed regime (the Area), and international maritime trade. Option (A) correctly describes this access right and the corresponding obligation on transit states.

Why other options are wrong:

- Option B: Landlocked states have no right to claim an EEZ measured from a transit state's baselines; that would contradict the entire EEZ regime.
- Option C: UNCLOS does not grant landlocked states exclusive fishing rights in adjacent coastal states' EEZs based on population size.
- Option D: Landlocked states' access rights extend to freedom of the high seas and the Area, not merely international straits; and Art. 125 does provide treaty-based transit rights through territorial seas by agreement.

Final Answer: Landlocked states have treaty-based access to the sea through transit states for the purpose of exercising all UNCLOS rights ⇒ A

Answer: (A) Go Back to Q16

Q17.

Solution

Concept — Three-Stage Maritime Delimitation Methodology: The ICJ and ITLOS have developed a standard three-stage methodology for EEZ and continental shelf delimitation, articulated in cases including *Romania v. Ukraine* (ICJ, 2009) and *Bangladesh/Myanmar* (ITLOS, 2012).

Analysis: Stage 1: Construct a provisional equidistance (median) line between the relevant coasts. Stage 2: Examine whether relevant circumstances (island features, concavity, marked disproportion in coastal lengths) justify adjustment of the line. Stage 3: Conduct a disproportionality check ensuring the ratio of coastal lengths to allocated maritime areas is not markedly disproportionate. Option (B) correctly describes all three stages.

Why other options are wrong:

- Option A: Special circumstances do not displace the equidistance line; they operate to adjust it at Stage 2.
- Option C: The three-stage method begins with an equidistance line, not a proportional division by coastal length.
- Option D: The equidistance/special circumstances doctrine was not rejected in *Libya/Malta*; it continues to be applied and is part of UNCLOS Art. 74 and 83.

Final Answer: Three stages: provisional equidistance, adjustment for relevant circumstances, disproportionality check $\Rightarrow \boxed{\text{B}}$

Answer: (B) **Go Back to Q17**

Q18.

Solution

Concept — Default Forum under UNCLOS Part XV: UNCLOS Part XV establishes compulsory procedures entailing binding decisions for disputes concerning the interpretation or application of the Convention.

Analysis: Under Art. 287, states may choose between the ITLOS, the ICJ, an Annex VII arbitral tribunal, or a special Annex VIII tribunal. Where a party has not made such a declaration, or where the parties have not agreed on the same forum, Art. 287(5) provides that the dispute shall be submitted to arbitration under Annex VII. Annex VII arbitration is therefore the residual default. Option (C) correctly identifies this default and notes the exceptions under Arts. 297 and 298. The

South China Sea Arbitration (PCA, 2016) is a prominent illustration.

Why other options are wrong:

- Option A: The ICJ has no priority over other fora; it is one of four options under Art. 287.
- Option B: The Commission on the Limits of the Continental Shelf has no dispute settlement function.
- Option D: The system is compulsory, not purely voluntary; absent agreement and declarations, Annex VII arbitration applies automatically.

Final Answer: Annex VII arbitration is the residual default forum under Art. 287(5) UNCLOS where no common forum has been selected $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q18

Q19.

Solution

Concept — *Ne Bis in Idem* under the Rome Statute (Art. 20): Art. 20 RS contains a nuanced version of the *ne bis in idem* principle that differs from the classic domestic rule by including a "shield of justice" exception.

Analysis: Art. 20(3) RS provides that a person tried by another court for conduct that forms the basis of ICC charges shall not be tried by the ICC if the other proceedings resulted in conviction or acquittal, *unless* the proceedings in the other court were conducted in a manner inconsistent with an intent to bring the person to justice, or were not conducted independently or impartially in accordance with the norms of due process. This "sham proceedings" exception distinguishes the Rome Statute from classic double jeopardy protection. Option (D) correctly captures this.

Why other options are wrong:

- Option A: The Rome Statute does not eliminate *ne bis in idem* protection for ICC-tried individuals; Art. 20(1) and (2) protect them from re-trial.
- Option B: A prior acquittal does not always bar ICC jurisdiction if the sham proceedings exception applies.
- Option C: The Rome Statute imposes the *ne bis in idem* bar on the ICC itself (Art. 20(2)) but does not directly restrict national courts beyond the complementarity principle.

Final Answer: ICC may exercise jurisdiction over previously tried persons if prior proceedings were designed to shield the accused from justice under Art. 20(3) RS $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q19

Q20.

Solution

Concept — Head of State Immunity (*Arrest Warrant* case, ICJ 2002): The ICJ in *Democratic Republic of the Congo v. Belgium* (Arrest Warrant case, 2002) examined the immunity from foreign criminal jurisdiction of a serving Foreign Minister.

Analysis: The Court held that a serving Foreign Minister enjoys full immunity from criminal jurisdiction in foreign states and the inviolability of the person in their individual capacity. The mere issue and international circulation of the Belgian arrest warrant for Minister Yerodia Ndombasi constituted a violation of this immunity even before enforcement. The Court also noted that immunity does not equal impunity, identifying four situations where jurisdiction may be exercised without violating immunity. Option (A) accurately states the principal holding.

Why other options are wrong:

- Option B: The Court held the opposite – a serving Foreign Minister does enjoy personal (not merely functional) immunity during tenure.
- Option C: The Court did not limit immunity to official functions; the personal immunity of serving Foreign Ministers covers all acts during tenure.
- Option D: The Court's analysis extended immunity to Foreign Ministers, not only heads of state; the rationale applies equally to both offices.

Final Answer: Serving Foreign Ministers enjoy full personal immunity and inviolability; even circulation of an arrest warrant constitutes a violation $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q20

Q21.

Solution

Concept — Diplomatic Agents in Transit (Art. 40 VCDR): Art. 40 VCDR addresses the position of diplomatic agents passing through or in the territory of a third state while travelling to or from the receiving state.

Analysis: Art. 40(1) provides that if a diplomatic agent of a sending state passes through the territory of a third state, the third state "shall accord him inviolability and such other immunities as may be required to ensure his transit or return." The third state's obligation is thus narrower than that of the receiving state: it extends to inviolability and transit-necessary immunities, but not necessarily to the full package of Art. 31 immunities. Option (B) correctly describes the third state's obligation under Art. 40(1).

Why other options are wrong:

- Option A: Art. 40 expressly creates obligations for third states; the VCDR is not purely bilateral.
- Option C: The transit immunities under Art. 40(1) are not necessarily identical to full receiving-state immunities; they extend to what is required for transit.
- Option D: The third state's obligations are not conditional on prior recognition of credentials; Art. 40 applies to all diplomatic agents of parties to the VCDR.

Final Answer: Third states must accord transiting diplomatic agents inviolability and such immunities as required to ensure transit under Art. 40(1) VCDR $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q21

Q22.

Solution

Concept — Size of Diplomatic Missions (Art. 11 VCDR): Art. 11 VCDR balances the sending state's organisational needs against the receiving state's right to manage its territory and resources.

Analysis: Art. 11(1) provides: "In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of the mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission." This is a conditional power – it applies only in the absence of specific agreement and requires the receiving state to take relevant circumstances into account. Option (C) correctly states this balanced rule.

Why other options are wrong:

- Option A: The sending state does not have an unconditional right to determine mission size; Art. 11 expressly grants the receiving state a limiting power.
- Option B: Art. 11 fixes no numerical maximum; the "reasonable and normal" standard is context-dependent.
- Option D: Reciprocity of exact mission sizes is not required; Art. 11 does not impose a numerical equality obligation.

Final Answer: Receiving states may require mission size be kept within reasonable and normal limits, having regard to circumstances and mission needs, under Art. 11 VCDR $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q22

Q23.

Solution

Concept — Protection of Mission Premises (Art. 22(2) VCDR): Art. 22 VCDR establishes the inviolability of mission premises and imposes specific obligations on the receiving state.

Analysis: Art. 22(2) provides: "The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity." This is a positive and active duty, not a mere best-efforts standard. The ICJ confirmed the binding force of this obligation in the *United States Diplomatic and Consular Staff in Tehran* case (1980), where Iran's failure to protect the US Embassy was held to constitute a breach. Option (D) correctly cites Art. 22(2) and its precise content.

Why other options are wrong:

- Option A: Art. 29 VCDR protects the person of the diplomatic agent, not the premises; the premises are addressed in Art. 22.
- Option B: The inviolability of mission premises means emergency services may not enter without consent; Art. 22(1) contains no emergency services exception.
- Option C: A best-efforts standard characterisation understates the specificity

of Art. 22(2), which imposes a "special duty" requiring "all appropriate steps."

Final Answer: Art. 22(2) VCDR imposes a special duty on the receiving state to take all appropriate steps to protect mission premises $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q23

Q24.

Solution

Concept — Exequatur under the Vienna Convention on Consular Relations: Under the VCCR, a consular officer cannot exercise consular functions until the *exequatur* is granted by the receiving state.

Analysis: Art. 12 VCCR defines the *exequatur* as the authorisation from the receiving state enabling the consular officer to exercise his or her functions. Art. 12(2) provides that if the receiving state refuses to grant the *exequatur* or withdraws it, the sending state is not entitled to reasons and must recall the officer or terminate the appointment. This asymmetry – right without reasons – reflects the receiving state's sovereign prerogative. Option (A) correctly describes the *exequatur* and the consequences of refusal.

Why other options are wrong:

- Option B: The *exequatur* is granted by the receiving state, not the sending state; it is not the instrument of appointment.
- Option C: There is no ninety-day automatic provisional recognition rule; provisional recognition *ad interim* requires a specific grant by the receiving state.
- Option D: The *exequatur* is not issued by the ICJ; it is purely an act of the receiving state's executive.

Final Answer: The *exequatur* is the receiving state's authorisation for consular functions; refusal requires recall of the officer without obligation to give reasons $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q24

Q25.

Solution

Concept — Ad Hoc Judges before the ICJ (Arts. 26, 31 ICJ Statute): Art. 31 of the ICJ Statute gives each party to a case the right to appoint an ad hoc judge if that party does not already have a judge of its nationality on the bench.

Analysis: Art. 31(1) provides: "Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court." Art. 31(2)–(3) allows a party with no national judge on the bench to choose a person to sit as judge for that case. Ad hoc judges participate in deliberations on equal terms with permanent members and may write declarations, separate opinions, or dissenting opinions. They are not limited to chambers. Option (B) correctly describes the appointment mechanism and function.

Why other options are wrong:

- Option A: Ad hoc judges are chosen by the parties, not appointed by the UN Secretary-General; and the threshold is absence of any judge of that nationality, not fewer than three.
- Option C: Ad hoc judges apply in both plenary and chamber proceedings; Art. 31 is not limited to Art. 26 chambers.
- Option D: Ad hoc judges have a full vote in the final decision; they are not merely advisory.

Final Answer: A party without a national judge on the ICJ bench may choose an ad hoc judge who participates and votes on equal footing with permanent members $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q25

Q26.

Solution

Concept — UN Trusteeship Council (Historical Overview): The Trusteeship Council was established by the UN Charter (Arts. 75–91) as one of the six principal organs, to supervise the administration of territories placed under the international trusteeship system.

Analysis: The last trust territory, Palau (formerly administered by the United States), became independent in 1994. Following this, the Security Council terminated the Trusteeship Agreement in Resolution 956 (1994). The Trusteeship Council then adopted a resolution (T/RES/2200 of 25 May 1994) amending its rules of procedure to meet only if occasion required. It has not met since. Critically, the Charter has not been formally amended to dissolve it; the Trusteeship Council remains a principal organ but is dormant. Option (C) accurately describes this status.

Why other options are wrong:

- Option A: No Charter amendment dissolved the Trusteeship Council; a Charter amendment would require the Art. 108 procedure.
- Option B: The Trusteeship Council was not merged with the Peacebuilding Commission; these are entirely separate bodies.
- Option D: The Trusteeship Council does not currently exercise oversight over any territories; Western Sahara, Kosovo, and Palestine are not UN trust territories.

Final Answer: The Trusteeship Council suspended operations in 1994 after Palau's independence; it remains a Charter principal organ but is de facto dormant $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q26

Q27.

Solution

Concept — WHO Quasi-Legislative Powers and International Health Regulations: Arts. 21–22 of the WHO Constitution grant the World Health Assembly a distinctive power to adopt regulations that bind member states through an opt-out (contracting out) rather than the standard opt-in ratification procedure.

Analysis: Art. 21 WHO Constitution empowers the WHA to adopt regulations on matters including sanitary and quarantine requirements and nomenclature of diseases. Art. 22 provides that such regulations come into force for all members after due notice, "except for such Members as may notify the Director-General of rejection or reservations within the period stated in the notice." The 2005 International Health Regulations were adopted under this framework. Option (C) correctly captures both the power and the contracting-out mechanism.

Why other options are wrong:

- Option A: The WHO may not adopt binding treaties by simple majority without domestic ratification; that describes a power far exceeding what Arts. 21–22 confer.
- Option B: The WHO has no power to issue binding "directives" or suspend voting rights for non-compliance.

- Option D: The IHR (2005) were adopted under the WHO Constitution's Arts. 21–22, not under a Security Council Chapter VII resolution.

Final Answer: WHA regulations under Arts. 21–22 WHO Constitution bind all members via contracting-out; the IHR (2005) were adopted through this procedure ⇒ $\boxed{\text{D}}$

Answer: (D) Go Back to Q27

Q28.

Solution

Concept — Human Rights Committee under the ICCPR: The Human Rights Committee is the treaty body established under Art. 28 of the ICCPR to monitor implementation of the Covenant.

Analysis: The Committee consists of 18 independent experts elected by states parties serving in their personal capacity (Art. 28 ICCPR). Its main functions are: (i) examination of periodic state reports (Art. 40); (ii) issuance of General Comments interpreting Covenant provisions; and (iii) where the First Optional Protocol to the ICCPR has been ratified, consideration of individual communications. Its Views on individual communications are authoritative but not formally binding in the same sense as court judgments, though the Committee characterises them as authoritative interpretations. Option (A) correctly describes composition, mandate, and the Optional Protocol basis for individual communications.

Why other options are wrong:

- Option B: The HRC is not a subsidiary organ of the Human Rights Council; it is a treaty body. Its Views are not directly enforceable in national courts as of right.
- Option C: The Committee cannot impose sanctions; it has no enforcement power.
- Option D: Committee members are independent experts, not state representatives; each state party does not simply nominate one member.

Final Answer: The Human Rights Committee has 18 independent experts; it examines state reports, issues General Comments, and considers individual communications under the Optional Protocol ⇒ $\boxed{\text{A}}$

Answer: (A) Go Back to Q28

Q29.

Solution

Concept — Parallel Proceedings and *Lis Pendens* in International Adjudication: The proliferation of international courts and tribunals has generated the risk of parallel proceedings involving overlapping jurisdictions over the same dispute.

Analysis: Unlike most national legal systems, international law has no general *lis pendens* rule compelling automatic suspension of parallel proceedings. Courts and tribunals have instead used ad hoc tools: the *electa una via* fork-in-the-road clause in investment treaties (preventing claimants from pursuing the same claim in two fora), stays pending related proceedings (as in *MOX Plant*), and inherent powers to prevent abuse of process. The ILC Study Group on Fragmentation (2006) documented these challenges. Option (B) correctly describes this pragmatic, non-systematic approach.

Why other options are wrong:

- Option A: The ICJ has no compulsory consolidation power over arbitral tribunals; international courts do not exercise such cross-institutional authority.
- Option C: There is no 2004 UN Convention codifying a *lis pendens* rule; the 2004 UN Convention on Jurisdictional Immunities addresses a different subject.
- Option D: Parallel proceedings are a real and recognised problem precisely because different tribunals may reach different conclusions on shared questions.

Final Answer: No strict *lis pendens* rule exists; international courts use pragmatic tools – *electa una via*, stays, inherent powers – to manage parallel proceedings ⇒ $\boxed{\text{B}}$

$\boxed{\textbf{Answer: (B)}}$ Go Back to Q29

Q30.

Solution

Concept — Appointing Authority under UNCITRAL Rules (2010): The 2010 UNCITRAL Arbitration Rules (as amended in 2013 to include transparency provisions for investor-state cases) introduced a revised mechanism for appointing authorities.

Analysis: Under Art. 6 of the 2010 UNCITRAL Rules, if the parties have not agreed on an appointing authority, or if the agreed appointing authority refuses or fails to act, any party may request the Secretary-General of the Permanent Court of Arbitration to designate an appointing authority. The designated authority then acts when the parties cannot agree on arbitrators or when the agreed procedure breaks down. This replaces the older mechanism of direct application to the Secretary-General of the PCA. Option (C) correctly describes this framework.

Why other options are wrong:

- Option A: The PCA Secretary-General is not automatically the appointing authority; parties may agree otherwise, and the PCA role is to *designate* an appointing authority.
- Option B: The claimant investor does not unilaterally select the appointing authority; the mechanism is designed to be neutral.
- Option D: ICSID is not involved in UNCITRAL arbitrations; the two are entirely separate institutional frameworks.

Final Answer: Under 2010 UNCITRAL Rules Art. 6, a party may request the PCA Secretary-General to designate an appointing authority when parties cannot agree $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q30

Q31.

Solution

Concept — *Forum Prorogatum* before the ICJ: *Forum prorogatum* allows the ICJ to exercise jurisdiction on the basis of consent given by the respondent after the filing of an application, rather than by virtue of a pre-existing jurisdictional title.

Analysis: The doctrine is accepted in ICJ practice: if a respondent state, after being notified of an application, takes steps that unambiguously indicate willingness to accept the Court's jurisdiction over the merits, that conduct constitutes *forum prorogatum*. Consent may be express (a formal declaration) or implied (e.g., filing a counter-memorial on the merits without raising preliminary jurisdictional objections). The *Corfu Channel* case (UK v. Albania, 1949) is the classic example. Option (A) correctly captures both the definition and the forms of consent.

Why other options are wrong:

- Option B: *Forum prorogatum* does not depend on Optional Clause declarations; it operates independently of Art. 36(2).
- Option C: Failure to file preliminary objections in time does not by itself con-

stitute constructive consent; silence must be combined with other conduct unambiguously demonstrating willingness to participate on the merits.

- Option D: *Forum prorogatum* concerns the basis of jurisdiction ratione personae et voluntatis, not an extension of subject-matter jurisdiction beyond a compromissory clause.

Final Answer: *Forum prorogatum* arises from explicit or implicit post-application consent by the respondent to the Court's jurisdiction over the merits $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q31

Q32.

Solution

Concept — Precautions in Attack (Art. 57 Additional Protocol I): Art. 57 API codifies the customary obligation to take precautions aimed at avoiding or minimising civilian casualties in the conduct of attacks.

Analysis: Art. 57(2) requires those who plan or decide upon attacks to: (a)(i) do everything feasible to verify that objectives are legitimate military targets; (a)(ii) take all feasible precautions in means and methods to avoid or minimise incidental civilian casualties; (a)(iii) refrain from launching attacks expected to cause excessive incidental civilian harm (*proportionality*); (b) cancel or suspend an attack if it becomes clear it will be excessive; and (c) give effective warning to civilians. Option (A) correctly summarises the three core obligations.

Why other options are wrong:

- Option B: Art. 57 does not require prior written approval from a legal adviser; it is a substantive obligation, not a procedural approval requirement.
- Option C: Art. 57 applies to attacks generally, not only air attacks; ground operations are equally subject.
- Option D: Dual-use infrastructure is not categorically prohibited by Art. 57; it is subject to the proportionality assessment.

Final Answer: Art. 57 API requires feasible verification of targets, feasible precautions in means and methods, and cancellation if attack would be excessive $\Rightarrow$ $\boxed{\text{A}}$

Answer: (A) Go Back to Q32

Q33.

Solution

Concept — Siege Warfare, Naval Blockade, and Humanitarian Relief: Customary IHL (Rules 53 and 55 of the ICRC Customary IHL Study) and Art. 54 API prohibit starvation as a method of warfare and require parties to allow humanitarian relief to civilian populations in urgent need.

Analysis: The paramount humanitarian protection rule in siege and blockade contexts is the obligation to allow and facilitate free passage of humanitarian relief consignments for civilians facing starvation or other urgent need. This is reflected in Art. 23 GC IV, Art. 70 API, Rule 55 of the ICRC Customary IHL Study, and the San Remo Manual on Naval Blockade (paras. 102–104). The right to inspect and verify consignments is retained. Option (B) correctly identifies this rule.

Why other options are wrong:

- Option A: There is no customary or treaty rule requiring a fixed seventy-two hour notice period or agreed humanitarian corridor as a precondition; while notification is good practice, failure is not a *per se* war crime.
- Option C: Siege warfare is not categorically prohibited under IHL; it is regulated but not banned outright.
- Option D: Naval blockades are not prohibited by UNCLOS; freedom of navigation at sea coexists with the law of naval warfare; blockades are permitted subject to IHL conditions.

Final Answer: IHL requires parties conducting sieges or blockades to allow free passage of humanitarian relief for civilians facing starvation or urgent need $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q33

Q34.

Solution

Concept — Grave Breaches and *Aut Dedere Aut Judicare*: The grave breach system in GC I–IV and API creates the most stringent regime of mandatory criminal repression in IHL, imposing the obligation to prosecute or extradite without limitation to nationality or territory.

Analysis: Each Geneva Convention (e.g., GC IV Art. 146) requires states parties to enact penal legislation and to "search for" alleged grave breach offenders and bring them before their own courts regardless of nationality, or, if they prefer, to hand them to another state for trial. This is the *aut dedere aut judicare* (extradite or prosecute) obligation in its most robust treaty form, constituting a form of universal jurisdiction. Option (C) correctly describes this regime.

Why other options are wrong:

- Option A: The grave breach regime expressly provides for prosecution regardless of the nationality of the offender; it is not limited to nationals.
- Option B: Grave breaches may be prosecuted by any state party, not only the territorial state; the regime explicitly extends jurisdiction universally.
- Option D: The obligation to prosecute or extradite is mandatory, not a mere right; reparations to victims do not discharge the criminal accountability obligation.

Final Answer: States parties must search for grave breach suspects and either prosecute or extradite them regardless of offender nationality or place of commission $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q34

Q35.

Solution

Concept — African Charter on Human and Peoples' Rights – Distinctive Features: The African Charter (Banjul Charter, 1981) is distinctive within regional human rights law for its inclusion of third-generation "peoples' rights" alongside individual civil, political, economic, social, and cultural rights.

Analysis: Unlike the ECHR or the ACHR, the African Charter incorporates collective rights belonging to "peoples," including: the right of peoples to self-determination (Art. 20); the right to freely dispose of their wealth and natural resources (Art. 21); the right to economic, social, and cultural development (Art. 22); and the right to peace and security (Art. 23). It also imposes individual duties towards the family and community (Arts. 27–29). This dual framework of rights and duties, and the inclusion of peoples' rights, is the Charter's most distinctive doctrinal feature. Option (D) correctly identifies this feature.

Why other options are wrong:

- Option A: Punitive damages are not a standard remedy under the African human rights system; the African Court may order reparations but not punitive damages per se.
- Option B: Individual petition was introduced through the African Court Protocol (1998) and, before that, the African Commission has always accepted

individual communications under Art. 55 of the Charter.

- Option C: The African Charter contains a clawing-back mechanism (Arts. 6, 8, etc.) and does not declare all rights non-derogable in absolute terms; limitations clauses are present.

Final Answer: The African Charter uniquely incorporates peoples' rights (self-determination, natural resources, development) alongside individual rights and individual duties $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q35

Q36.

Solution

Concept — Rights of Minorities under ICCPR Art. 27: Art. 27 ICCPR provides that "in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

Analysis: The Human Rights Committee's General Comment 23 (1994) clarified that Art. 27 encompasses all three categories (ethnic, religious, linguistic) and that "culture" includes traditional economic activities central to a minority's way of life – specifically referencing fishing and reindeer herding (*Lubicon Lake Band v. Canada*; *Länsman v. Finland*). The Committee has also confirmed that Art. 27 imposes positive obligations on states to protect minority identity. Option (A) correctly captures this broad interpretation.

Why other options are wrong:

- Option B: Art. 27 protects ethnic, religious, *and* linguistic minorities; it is not limited to linguistic minorities alone.
- Option C: Art. 27 contains no numerical threshold; protection attaches to any minority regardless of population percentage.
- Option D: The Committee has explicitly held that Art. 27 covers immigrant and non-autochthonous minorities residing in a state.

Final Answer: Art. 27 ICCPR covers all minority types; "culture" includes traditional economic activities; positive obligations apply $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q36

Q37.

Solution

Concept — Premature Recognition as Unlawful Intervention: The doctrine of premature recognition addresses the timing of third-state recognition of a secessionist entity before the parent state has consented or the secession has been definitively established.

Analysis: Premature recognition of a secessionist or insurgent movement as a state constitutes an unlawful intervention in the internal affairs of the parent state because it prejudges the outcome of a process still underway within the parent state's legal and political order. It violates the principle of non-intervention (Art. 2(1) UN Charter and CIL) and amounts to a form of coercion in the parent state's essentially domestic affairs. The UN Security Council's condemnation of recognition of Rhodesia (SC Res. 216, 1965) and the EU's debate over premature recognition of Croatia/Slovenia (1991) illustrate this doctrine. Option (B) correctly identifies the definition and legal basis of unlawfulness.

Why other options are wrong:

- Option A: Premature recognition typically refers to a new *state* or secessionist entity, not a new government; and the Montevideo criteria concern statehood, not the timing of recognition.
- Option C: Premature recognition is distinct from recognition of governments arising from unconstitutional changes; they are different doctrines.
- Option D: The doctrine is not limited to colonial situations; it applies to secession and state formation in any context.

Final Answer: Premature recognition of a secessionist entity before parent-state consent is unlawful intervention in the parent state's internal affairs $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q37

Q38.

Solution

Concept — State Succession vs. Government Succession: International law distinguishes sharply between succession of states (a change in the state itself) and succession of governments (a change in who governs within a continuing state).

Analysis: State succession – regulated by the 1978 Vienna Convention on Succession of States in Respect of Treaties and the 1983 Vienna Convention on Succession of States in Respect of State Property, Archives and Debts – arises when one state replaces another in the responsibility for the international relations of territory. This triggers complex questions about which treaties continue, what happens to state property, and how debts are allocated. Government succession, by contrast, occurs when a new government (even one arising through unconstitutional means) replaces the previous government within the same continuing state, which retains its international legal personality and all treaty obligations. Option (C) correctly draws this distinction.

Why other options are wrong:

- Option A: State and government succession are not functionally identical; government succession does not trigger state succession rules.
- Option B: The definitions are inverted; state succession involves replacement of states, not merely change of government.
- Option D: Universal succession and tabula rasa are competing theories within state succession law; neither is the exclusive rule, and the description of government succession as tabula rasa is incorrect.

Final Answer: State succession involves replacement of one state by another in territorial responsibility; government succession is a change within a continuing state without altering treaty obligations $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q38

Q39.

Solution

Concept — Common but Differentiated Responsibilities (CBDR): CBDR is a foundational principle of international environmental law, first articulated in Principle 7 of the Rio Declaration (1992) and subsequently incorporated into the UNFCCC (Preamble and Art. 3(1)), the Kyoto Protocol, and the Paris Agreement.

Analysis: CBDR reflects the recognition that (i) all states share responsibility for protecting the global environment (commonality) but (ii) states have contributed differently to environmental degradation and have different capacities to address it (differentiation). In practice, CBDR justifies differentiated commitments, financial obligations, and timelines for developed versus developing states, while not exempting developing states from all obligations. The Paris Agreement (2015) incorporates CBDR with the caveat that differentiation must evolve over time. Option (D) correctly captures both limbs and their nuanced interaction.

Why other options are wrong:

- Option A: CBDR does not fix binding GDP transfer percentages; technology transfer and financial commitments are subject to negotiation.
- Option B: Developing states are not entirely exempt from environmental obligations; CBDR is about calibration, not exemption.
- Option C: CBDR is not merely political; it has been incorporated in legally binding instruments including the UNFCCC (Art. 3(1)) and the Paris Agreement.

Final Answer: CBDR acknowledges shared responsibility and different capacities/contributions, justifying differentiated but not zero obligations for developing states $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q39

Q40.

Solution

Concept — Antarctic Treaty (1959) Demilitarisation Regime: The Antarctic Treaty (Washington, 1959) established Antarctica as a zone of peace dedicated to science and international cooperation.

Analysis: Art. I of the Antarctic Treaty prohibits any measures of a military nature, including: establishment of military bases and fortifications; carrying out of military manoeuvres; and testing of any type of weapon. However, Art. I(2) expressly permits the use of military personnel or equipment for scientific research or for any other peaceful purpose. This is the critical carve-out that distinguishes Antarctica from a zone of absolute exclusion of military personnel. The Treaty has been observed since 1959 and is the foundational instrument of the Antarctic Treaty System. Option (A) correctly describes both the prohibition and the peaceful use exception.

Why other options are wrong:

- Option B: Military personnel may be present for peaceful purposes; an absolute prohibition on any military personnel is inconsistent with Art. I(2).
- Option C: Demilitarisation under Art. I is a legal obligation, not merely an aspirational goal.
- Option D: Art. I prohibits testing of “any type of weapon,” not only nuclear or long-range systems; and it applies to all states parties uniformly regardless of territorial claims.

Final Answer: Art. I Antarctic Treaty prohibits military measures but expressly permits military personnel and equipment for scientific or other peaceful purposes $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q40

Answer Key

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