CLAT PG Public International Law Sample Paper – 7

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. In establishing *opinio juris sive necessitatis* as an element of customary international law, which of the following most accurately describes the standard of proof applied by the International Court of Justice?

(A) It is presumed automatically whenever states engage in a uniform practice over a substantial period of time, relieving the applicant of any specific burden of proof.

(B) It is sufficient to demonstrate that the relevant state conduct was motivated by practical convenience, provided such convenience aligns with community welfare.

(C) It must be demonstrated by clear and convincing evidence that states acted out of a sense of legal obligation, not merely out of courtesy, politics, or voluntary habit.

(D) It arises whenever the UN General Assembly adopts a resolution affirming a rule, because such resolutions are binding expressions of *opinio juris* under Article 38(1)(b) of the ICJ Statute.

Q2. The concept of *equity infra legem* in international law refers to which of the following?

(A) The power of an international tribunal to decide a dispute *ex aequo et bono*, thereby displacing the applicable treaty framework entirely.

(B) The authority of a court to fill lacunae in international law by creating new rules independent of state consent.

(C) The principle that a tribunal may refuse jurisdiction whenever strict application of the law would produce a manifestly unjust outcome for a small state.

(D) The use of equitable considerations as an element within the interpretation and application of existing rules of international law, without departing from those rules.

Q3. The *Asylum Case* (Colombia v. Peru, ICJ 1950) is most frequently cited in academic discourse on customary international law for which proposition?

(A) A local or regional custom may exist that is binding only on the states that have specifically accepted it through consistent practice and recognition.

(B) Unilateral declarations by heads of state automatically generate customary rules binding on the declaring state vis-à-vis all other states.

(C) A treaty may codify an existing customary rule, thereby rendering the custom universally binding even on states not party to the treaty.

(D) Diplomatic asylum constitutes a rule of universal custom and must be recognised by all states under general international law.

Q4. Under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (VCLT) 1969, "subsequent practice" as an interpretive tool requires which of the following?

(A) The practice must have been adopted in writing and formally communicated to the depositary of the treaty before it acquires interpretive weight.

(B) The practice must establish the agreement of the parties regarding the interpretation of the treaty, meaning it must reflect the practice of all parties or at least be acquiesced in by them.

(C) Any single party's subsequent conduct is sufficient to modify the treaty's meaning if that party is the state that originally proposed the disputed clause.

(D) Subsequent practice is only relevant if the treaty text is silent on the issue and the *travaux préparatoires* are inconclusive.

Q5. When international tribunals apply "general principles of law recognised by civilised nations" under Article 38(1)(c) of the ICJ Statute, they typically draw these principles from which source?

(A) Resolutions adopted unanimously by the UN Security Council, which represent the collective legal conscience of the international community.

(B) Regional treaty regimes that have achieved near-universal membership, such as the European Convention on Human Rights.

(C) Principles common to major domestic legal systems of the world, such as *res judicata*, good faith, and *unjust enrichment*, transposed to the international plane.

(D) Customary rules that have recently crystallised and have not yet been codified in any multilateral treaty.

Q6. Article 31(2) of the VCLT provides that, for purposes of the interpretation of a treaty, the "context" shall comprise, *inter alia*, which of the following?

(A) The *travaux préparatoires* and the circumstances of the treaty's conclusion, which are always part of the primary interpretive context.

(B) The domestic legislation of the state whose conduct is in dispute, insofar as it sheds light on the common intent of the parties.

(C) Scholarly writings and the opinions of the International Law Commission, which are elevated to primary interpretive material by Article 31(2).

(D) The text, including its preamble and annexes, together with any agreement made between all parties in connection with the conclusion of the treaty, and any instrument made by one or more parties and accepted by the others.

Q7. Under Article 36 of the VCLT, a treaty provision may confer a right upon a third state. Which condition must be satisfied for such a right to arise?

(A) The parties to the treaty must intend to confer the right on the third state, and the third state must assent to the right — such assent being presumed as long as the third state does not indicate the contrary.

(B) The right confers obligations on the third state as well, so both the right and the corresponding duty must be expressly accepted in writing by the third state.

(C) The treaty must be deposited with the UN Secretariat under Article 102 of the UN Charter before any third-state right can arise.

(D) Third states can only acquire rights under multilateral law-making treaties open to universal participation, not under bilateral treaties.

Q8. The "object and purpose" compatibility test for treaty reservations under Article 19(c) of the VCLT was principally shaped by which ICJ advisory opinion?

(A) The *Reparation for Injuries* Advisory Opinion (1949), which addressed the legal personality of the United Nations.

(B) The *Reservations to the Convention on Genocide* Advisory Opinion (1951), where the Court held that a state may be a party to the Genocide Convention despite reservations objected to by other contracting parties, provided the reservation is compatible with the Convention's object and purpose.

(C) The *Legal Consequences of the Construction of a Wall* Advisory Opinion (2004), which examined the applicability of humanitarian law.

(D) The *Legality of Nuclear Weapons* Advisory Opinion (1996), which addressed the scope of states' right to self-defence.

Q9. Where a later multilateral treaty is concluded that is incompatible with a pre-existing rule of customary international law, what is the legal effect *inter partes* between the treaty parties?

(A) The customary rule automatically becomes *jus cogens* to resist the derogation, and the treaty is void to the extent of the conflict.

(B) The customary rule and the treaty coexist permanently because international law does not permit one source to override another.

(C) As between the treaty parties, the treaty rule prevails under the principle *lex posterior derogat priori*, while the customary rule may continue to bind non-party states.

(D) The customary rule prevails because custom represents universal state consent superior to any particular treaty obligation.

Q10. The Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (1986) differs from the 1969 VCLT most significantly in which respect?

(A) The 1986 Convention replaces the 1969 VCLT entirely and is now the primary treaty-law instrument applicable to all international agreements.

(B) The 1986 Convention prohibits international organisations from making reservations to any multilateral treaty.

(C) The 1986 Convention entered into force in 1990 after obtaining the requisite 35 ratifications from UN member states.

(D) The 1986 Convention extends the codified rules on treaty law to cover agreements to which international organisations are parties, while adapting provisions to reflect the particular legal characteristics of such organisations.

Q11. Article 8 of the ILC Articles on the Responsibility of States for Internationally Wrongful Acts (ASR) attributes the conduct of a private person or entity to the state when which standard is satisfied?

(A) The person or entity was in fact acting on the instructions, or under the direction or control, of the state in carrying out that conduct — the "effective control" standard.

(B) The state subsequently ratified the conduct, which suffices to attribute it retroactively under Article 8 read with Article 11 of the ASR.

(C) The private actor was performing inherently governmental functions, regardless of whether any specific instructions were given.

(D) Attribution is established by showing that the state materially benefited from the conduct of the private actor, even without prior authorisation.

Q12. Under the ILC ASR, where a multilateral treaty obligation is breached and multiple states are injured, which of the following correctly describes their right to invoke responsibility?

(A) Only the state that first notified the responsible state of the breach may invoke responsibility; subsequent claims by other states are inadmissible.

(B) Each injured state may independently invoke the responsibility of the responsible state and claim cessation, non-repetition, and reparation proportionate to its own injury.

(C) Injured states must present a consolidated claim through a designated lead state, as fragmented claims are inadmissible under international procedural law.

(D) The Security Council must authorise the invocation of state responsibility in cases involving breaches of multilateral treaty obligations.

Q13. The ILC ASR distinguishes between "primary" and "secondary" obligations in the law of state responsibility. The obligation of cessation under Article 30 is best classified as which of the following?

(A) A secondary obligation that arises only after reparation has been paid and the wrongful act acknowledged by the responsible state.

(B) A primary obligation that exists independently of any wrongful act and binds all states as a matter of general international law.

(C) A secondary obligation that arises as a consequence of the internationally wrongful act, requiring the responsible state to bring the continuing wrongful act to an end.

(D) A tertiary obligation that arises only where the injured state has formally invoked responsibility and the responsible state has refused to comply.

Q14. In computing the quantum of compensation for an internationally wrongful act under the ILC ASR, how does international practice treat interest on the principal sum awarded?

(A) Interest is never awarded in international practice because monetary compensation is itself a complete remedy and adding interest would constitute double recovery.

(B) Interest accrues automatically at the rate prescribed by the IMF Special Drawing Right basket and is awarded from the date of the award only.

(C) Interest may be awarded at the discretion of the tribunal from the date the award is rendered, but not from the date of the wrongful act itself.

(D) Interest is payable from the date on which the principal sum should have been paid; the rate and manner of calculation are determined by the tribunal to ensure full reparation.

Q15. Articles 122 and 123 of UNCLOS establish a special regime for enclosed and semi-enclosed seas. Which obligation does Article 123 impose on the bordering states of such seas?

(A) Bordering states shall endeavour to coordinate the management, conservation, exploration, and exploitation of living resources, and environmental protection and marine scientific research, cooperating directly or through appropriate regional organisations.

(B) Bordering states are required to establish a joint authority with compulsory jurisdiction over all resource extraction activities within the enclosed or semi-enclosed sea.

(C) All bordering states must submit disputes concerning the enclosed or semi-enclosed sea to compulsory binding arbitration under Annex VII of UNCLOS.

(D) Enclosed and semi-enclosed seas are automatically treated as international waters open to all flag states for navigation and resource exploitation purposes.

Q16. Under Article 60 of UNCLOS, which of the following correctly states the legal effect of establishing an artificial island in the Exclusive Economic Zone (EEZ)?

(A) An artificial island generates a full EEZ and continental shelf entitlement equivalent to a naturally formed island under Article 121(2) of UNCLOS.

(B) An artificial island does not possess the status of islands under Article 121 and therefore cannot generate territorial sea, EEZ, or continental shelf entitlements of its own.

(C) The coastal state may extend its territorial sea to 24 nautical miles around any artificial island it constructs in its EEZ.

(D) Artificial islands are subject to the freedom of the high seas under Part VII of UNCLOS and cannot be claimed as territory by any state.

Q17. The Seabed Disputes Chamber of ITLOS has contentious jurisdiction over which category of disputes under UNCLOS?

(A) Disputes between states concerning the delimitation of continental shelf boundaries where the distance exceeds 200 nautical miles from baselines.

(B) Advisory opinions requested by the UN General Assembly on any question of international law arising under UNCLOS.

(C) Disputes between states parties, between the International Seabed Authority (ISA) and a state party, and disputes involving sponsored private entities — all concerning activities in the Area (deep seabed beyond national jurisdiction).

(D) Disputes concerning the exercise by a coastal state of its sovereign rights over the EEZ, including fisheries enforcement measures.

Q18. Article 287 of UNCLOS allows states to choose among several dispute settlement procedures. What is the legal consequence where two states in a dispute have chosen different procedures under Article 287?

(A) The dispute is automatically referred to the ICJ, as the senior international judicial body, whenever the parties' chosen procedures do not match.

(B) Neither state may bring a compulsory claim under Section 2 of Part XV, and both states must instead pursue only diplomatic means of settlement.

(C) The procedure chosen by the respondent state takes precedence, on the basis that a state cannot be compelled to accept a forum it has not selected.

(D) Unless the parties agree otherwise, the dispute shall be submitted to arbitration under Annex VII, which serves as the default mechanism.

Q19. International law draws a fundamental distinction between a state's "jurisdiction to prescribe" and its "jurisdiction to enforce." Which statement best captures this distinction?

(A) Jurisdiction to prescribe refers to a state's authority to make its law applicable to persons, conduct, or events, whereas jurisdiction to enforce refers to the state's power to compel compliance or punish non-compliance — the latter being confined, as a rule, to the state's own territory.

(B) Both types of jurisdiction are coextensive: a state that may prescribe a rule may automatically enforce it extraterritorially without additional legal basis.

(C) Jurisdiction to enforce is broader than jurisdiction to prescribe because enforcement requires no territorial nexus, relying instead on the nationality of the actor.

(D) The distinction is doctrinal only and has been abolished by the widespread acceptance of the effects doctrine in customary international law.

Q20. With regard to state jurisdiction over cybercrime and hostile cyber operations, which of the following reflects the current majority view in international law scholarship and state practice?

(A) States have no jurisdiction over cyber operations originating outside their territory, as cyber activity takes place in a law-free "fifth domain" not governed by international law.

(B) Existing bases of jurisdiction — territorial (including effects-based territoriality), nationality, and protective principle — apply to cyberspace, but states remain constrained by the prohibition on intervention and the requirement of a genuine link for extraterritorial prescriptive jurisdiction.

(C) Any state suffering the effects of a cyber operation may lawfully exercise prescriptive and enforcement jurisdiction over the actors anywhere in the world, without any territorial or nationality nexus.

(D) The Budapest Convention on Cybercrime has created a sui generis universal jurisdiction over all cybercrimes, superseding the traditional bases of jurisdiction.

Q21. Article 41(1) of the Vienna Convention on Diplomatic Relations (VCDR) 1961 imposes which duty on diplomatic agents?

(A) They must disclose all financial transactions conducted on behalf of the sending state within the receiving state's territory.

(B) They are required to obtain prior authorisation from the receiving state before communicating with nationals of the sending state.

(C) They must respect the laws and regulations of the receiving state and have a duty not to interfere in the internal affairs of that state.

(D) They must surrender their immunity in civil matters arising from activities outside their official functions if the receiving state so requests.

Q22. When two states break diplomatic relations, Article 45 of the VCDR imposes specific obligations on the receiving state. Which of the following most accurately describes those obligations?

(A) The receiving state must immediately expel all diplomatic staff of the sending state and freeze all assets of the sending state held within its territory.

(B) The receiving state loses all treaty obligations toward the sending state's nationals and may treat them as undocumented foreign nationals.

(C) The receiving state must notify the ICJ of the breach of relations and cooperate in appointing a neutral protecting power within 30 days.

(D) The receiving state must respect and protect the premises, property, and archives of the sending state's mission and permit a protecting power chosen by the sending state to take custody of those premises.

Q23. Article 40 of the VCDR addresses the position of diplomatic agents passing through or present in a third state. Which of the following correctly states the obligations of that third state?

(A) The third state must accord the diplomatic agent inviolability and such other immunities as may be required to ensure transit or return, provided the agent holds a visa if required and notifies the third state of the transit.

(B) The third state is under no obligation to extend any privileges or immunities to a diplomatic agent in transit, as the VCDR applies only between sending and receiving states.

(C) A diplomatic agent in transit through a third state enjoys the full range of privileges and immunities equivalent to those in the receiving state, including immunity from civil jurisdiction in all matters.

(D) Transit-state obligations under Article 40 are discretionary and may be waived by the sending state without prior notification to the transit state.

Q24. Under the Vienna Convention on Consular Relations (VCCR) 1963, consular officers enjoy immunity from the jurisdiction of the receiving state only in respect of acts performed in the exercise of consular functions. Which of the following is NOT a consular function under Article 5 of the VCCR?

(A) Issuing passports and travel documents to nationals of the sending state, and visas to persons wishing to travel to the sending state.

(B) Engaging in profit-making commercial business activities on behalf of a private company owned by the consular officer's family, conducted from the consular premises.

(C) Helping and assisting nationals of the sending state, including acting in a protective capacity where those nationals are in distress.

(D) Transmitting judicial and extra-judicial documents or executing letters rogatory on behalf of the courts of the sending state.

Q25. The ICJ Advisory Opinion on *Certain Expenses of the United Nations* (1962) addressed which fundamental constitutional question concerning the UN?

(A) Whether the Security Council's authorisation of peacekeeping operations required unanimity among the five permanent members including for all procedural votes.

(B) Whether the UNGA could admit a new member state over the objection of a permanent member of the Security Council.

(C) Whether expenditures authorised by the General Assembly for UN peacekeeping operations in the Congo and the Middle East constituted "expenses of the Organisation" within Article 17(2) of the UN Charter, binding all member states to bear a share.

(D) Whether the Secretary-General had the authority to enter into financial commitments on behalf of the UN without prior UNGA approval.

Q26. The International Law Commission (ILC), established by the UNGA in 1947, operates primarily through which working method when developing its outputs on codification and progressive development?

(A) It convenes inter-governmental negotiations open to all UN member states, similar to a diplomatic conference, with the final text put to a vote.

(B) It issues binding directives to states on treaty interpretation, enforceable through the ICJ's compulsory jurisdiction.

(C) It reviews and approves draft conventions proposed by the International Court of Justice before they are transmitted to the UNGA for adoption.

(D) It appoints a Special Rapporteur who prepares successive reports on the topic; the Commission discusses these, adopts draft articles, and transmits the final product to the UNGA for further action.

Q27. Chapter VIII of the UN Charter (Articles 52–54) governs the relationship between the UN and regional arrangements or agencies. Which principle is most central to that relationship?

(A) Regional organisations may undertake enforcement action, but only with the prior authorisation of the Security Council; they must also keep the Security Council fully informed of activities they undertake or envisage for the maintenance of international peace and security.

(B) Regional organisations possess an independent enforcement mandate and are not required to obtain Security Council authorisation before taking enforcement action against an aggressor state within their region.

(C) The UN Charter prohibits regional organisations from dealing with any matter that has been placed on the agenda of the Security Council.

(D) Regional arrangements may apply collective self-defence measures autonomously, as Chapter VIII displaces the individual self-defence right under Article 51 within each region.

Q28. Article 100 of the UN Charter imposes obligations both on the Secretary-General and staff of the Secretariat, and on member states. Which of the following correctly describes those obligations?

(A) Member states are required to second national officials to the UN Secretariat and may recall them at any time, subject to providing three months' notice to the Secretary-General.

(B) The Secretary-General and staff shall not seek or receive instructions from any government or authority external to the UN, and each member state undertakes to respect the exclusively international character of their responsibilities and not to seek to influence them.

(C) The Secretary-General may accept instructions from the Security Council when those instructions relate to the maintenance of international peace and security, but must decline all instructions from the General Assembly.

(D) Article 100 creates a right for the Secretary-General to refuse any Security Council resolution that conflicts with the UN's Charter obligations.

Q29. Article 94(2) of the UN Charter provides a mechanism for enforcing ICJ judgments. Which of the following most accurately describes the operation and limitations of that mechanism?

(A) If a state fails to perform ICJ obligations, the ICJ Registrar may automatically refer the matter to the UN General Assembly for enforcement action under Article 94(2).

(B) The Security Council has an automatic duty under Article 94(2) to adopt enforcement measures against a state that fails to comply with an ICJ judgment.

(C) The aggrieved party may have recourse to the Security Council, which *may* recommend or decide upon measures to give effect to the judgment — but a permanent member's veto can effectively prevent any enforcement action.

(D) Article 94(2) creates a self-executing mechanism: the ICJ judgment becomes directly enforceable by the winning state through distraint of the losing state's assets under international legal process.

Q30. Which of the following most accurately describes the crisis affecting the WTO Appellate Body (AB) since 2019 and its implications for WTO dispute settlement?

(A) The Appellate Body was formally dissolved by consensus decision of the WTO Dispute Settlement Body (DSB) in 2019 and replaced by a permanent arbitration mechanism under UNCITRAL rules.

(B) The United States withdrew from the WTO in 2019, triggering a constitutional crisis that suspended the entire dispute settlement system pending renegotiation of the Marrakesh Agreement.

(C) The AB ceased to function because WTO member states amended the Dispute Settlement Understanding (DSU) to eliminate appeals in cases involving tariff disputes.

(D) The AB has been unable to hear new appeals since December 2019 because the United States blocked the appointment of new AB members, leaving the AB inquorate; many members responded by joining the Multi-Party Interim Appeal Arbitration Arrangement (MPIA).

Q31. The principle that "the jurisdiction of international courts and tribunals is founded on consent" is best illustrated by which procedural device before the ICJ?

(A) The optional clause declaration under Article 36(2) of the ICJ Statute, by which states accept compulsory jurisdiction *ipso facto* relative to other states making the same declaration — jurisdiction that remains grounded in the original voluntary act of acceptance.

(B) The Security Council's referral power under Article 36(3) of the UN Charter, which allows the Security Council to compel states to submit disputes to the ICJ without their consent.

(C) Forum prorogatum, which allows the ICJ to assert jurisdiction over a state that has not yet appeared before it whenever the applicant state demonstrates a "reasonable basis" for its claim.

(D) The ICJ's inherent jurisdiction over all disputes between UN member states, derived from Article 93 of the UN Charter, regardless of whether those states have made optional clause declarations.

Q32. The doctrine of military necessity in international humanitarian law (IHL) is correctly understood as which of the following?

(A) An open-ended exception that allows states to disregard any IHL rule whenever compliance would significantly impair their military objectives during armed conflict.

(B) A principle that permits only those measures not prohibited by IHL that are indispensable for securing the complete or partial submission of the enemy with the least possible expenditure of time, life, and resources, while remaining within the law.

(C) A rule that requires states to assess necessity exclusively at the strategic level, making it inapplicable to individual soldiers' decisions in the field.

(D) A doctrine recognised in customary IHL that supersedes the principle of proportionality whenever a state's territorial integrity is at stake.

Q33. Under Additional Protocol I (1977) to the Geneva Conventions, which of the following acts would cause medical units to lose their protection under IHL?

(A) Treating both friendly wounded combatants and captured enemy wounded combatants in the same medical facility.

(B) Receiving and treating civilians who are not direct participants in hostilities and are in need of urgent medical care.

(C) Using the medical unit to commit, outside its humanitarian function, acts harmful to the enemy — such as using it as a base for launching attacks or storing weapons — after a warning requiring cessation has gone unheeded.

(D) Transporting medical supplies under military escort through a combat zone, where the escort carries personal weapons for self-defence.

Q34. The ICTY Appeals Chamber in the *Tadić* Jurisdiction Decision (1995) articulated the threshold for a non-international armed conflict (NIAC) under customary IHL as requiring which criteria?

(A) A formal declaration of insurgency by the state government and recognition of belligerency by at least one third state, as these requirements reflect the customary law status of civil wars.

(B) The conflict must involve a territorial entity with effective control over a defined population, organised under a military command capable of negotiating a ceasefire with the state.

(C) The non-state armed group must have achieved control over sufficient territory to administer civilian governance, issue currency, and collect taxes from the local population.

(D) The armed conflict must reach a minimum level of intensity beyond internal disturbances and sporadic violence, and the non-state party must be sufficiently organised with a responsible command structure.

Q35. Under Article 22 of the UN Convention Against Torture (CAT) 1984, the Committee Against Torture may receive individual communications. Which condition must be met before a communication is admissible?

(A) The state against which the communication is directed must have made a specific declaration under Article 22 recognising the Committee's competence to receive individual communications, and the individual must have exhausted all available domestic remedies.

(B) The communication may be submitted by any individual worldwide, without requiring that the state party involved has accepted the individual communication procedure.

(C) The UN General Assembly must first authorise the Committee to receive the communication following a procedural vote by a two-thirds majority.

(D) Individual communications to the CAT Committee are only admissible if the applicant is a national of a state party to CAT and the alleged torture occurred on that state's territory.

Q36. The UN Declaration on Human Rights Defenders (1998) is a General Assembly resolution rather than a treaty. Which of the following best describes the legal significance of its provisions under international law?

(A) The Declaration is legally binding on all UN member states because it was adopted by consensus resolution of the General Assembly, which creates binding obligations equivalent to a treaty.

(B) The Declaration has no binding force of its own but articulates specific standards that may reflect, crystallise, or contribute to the progressive development of customary norms protecting persons who promote and protect internationally recognised human rights.

(C) The Declaration confers a right of petition directly to the ICJ for human rights defenders whose state has violated its provisions.

(D) The Declaration is binding only on the states that actively participated in its drafting and did not express formal reservations before its adoption.

Q37. The Stimson Doctrine (1932) and the subsequent customary principle of non-recognition (*ex injuria jus non oritur*) are primarily directed at which international law obligation?

(A) States are forbidden from entering into diplomatic relations with any newly independent state until that state has been formally admitted to the United Nations.

(B) States are obligated to actively reverse any situation that arose from the illegal use of force, including through military intervention if necessary.

(C) States must not recognise as lawful a situation created by a serious breach of a peremptory norm (*jus cogens*), such as the illegal use of force, annexation of territory, or violation of self-determination.

(D) All states in the international community are required to adopt identical diplomatic responses — including breaking relations — to any situation that arose through the illegal use of force.

Q38. Under the Vienna Convention on Succession of States in Respect of State Property, Archives, and Debts (1983) and general customary law, which principle governs a newly independent state's succession to the "national debt" of the predecessor state?

(A) A newly independent state automatically succeeds to all debts of the predecessor state in proportion to the territory it assumes, without any possibility of negotiation or reduction.

(B) A newly independent state inherits only the debts that it expressly assumed in the independence treaty; all remaining debts are extinguished as a matter of international law.

(C) All state debts, including those contracted by a colonial power for the administration of the territory, pass automatically to the successor state as an inseparable incident of territorial sovereignty.

(D) A newly independent state is not obligated to succeed to the national debt of the predecessor state, though an equitable share of debts contracted specifically for the benefit of and in the territory of the new state may pass to it under the clean-slate principle's qualified application.

Q39. Principle 15 of the Rio Declaration on Environment and Development (1992) formulates the precautionary approach by providing that, where there are threats of serious or irreversible damage, which measure is required?

(A) Lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

(B) States must immediately halt all activities with potentially significant environmental impact until full scientific certainty of safety is established.

(C) The burden of proving environmental safety shifts to the private actor only after a state files a formal complaint with the UNEP Governing Council.

(D) States must obtain the prior informed consent of all neighbouring states before undertaking any industrial activity that may produce transboundary environmental effects.

Q40. The WTO Appellate Body in *EC — Measures Concerning Meat and Meat Products (Hormones)* (1998) addressed which methodological question regarding the relationship between WTO law and general international law?

(A) The Appellate Body held that general international law is entirely inapplicable within the WTO legal order because the WTO Agreements constitute a self-contained régime.

(B) The Appellate Body confirmed that WTO law does not operate in clinical isolation from general international law; customary international law and general principles inform the interpretation of WTO agreements, though WTO-specific rules govern the specific matters they address.

(C) The Appellate Body ruled that the precautionary principle constitutes a binding rule of customary international law that member states may invoke as a complete defence to WTO obligations.

(D) The Appellate Body held that subsequent developments in environmental law automatically override inconsistent WTO commitments by operation of the *lex posterior* principle.

Detailed Solutions

Q1.

Solution

Concept — Standard of Proof for Opinio Juris: *Opinio juris sive necessitatis* is the subjective element of customary international law requiring that states act out of a belief that the practice is legally obligatory. Establishing it demands clear and convincing evidence distinguishing legal obligation from mere habit, comity, or political accommodation.

Analysis: The ICJ has consistently applied a demanding standard. In the *North Sea Continental Shelf Cases* (1969), the Court emphasised that the acts concerned must "amount to a settled practice" and must be accompanied by *opinio juris*. In the *Nicaragua Case* (1986), the Court required states to demonstrate belief in legal obligation, not convenience. Option (C) captures this — clear and convincing evidence that states acted from legal obligation.

Why other options are wrong:

- Option (A): Uniform practice does not automatically generate *opinio juris*; both elements must be independently shown.
- Option (B): Practical convenience is specifically excluded as evidence of *opinio juris*; the Court distinguishes courtesy from obligation.
- Option (D): UNGA resolutions are not automatically binding and do not per se constitute *opinio juris*, though they may evidence it when adopted unanimously and with legal intent.

Final Answer: *Opinio juris* must be shown by clear and convincing evidence of legal obligation, not convenience $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q1

Q2.

Solution

Concept — Equity Infra Legem: Equity in international law takes three forms: *infra legem* (within the law), *praeter legem* (beyond the law), and *contra legem* (against the law). Equity *infra legem* is the only form that courts may apply without special authorisation, as it operates within rather than outside the applicable legal framework.

Analysis: The ICJ in the *North Sea Continental Shelf Cases* (1969) and the

Tunisia/Libya Continental Shelf Case (1982) used equitable principles as part of applying the law itself. Option (D) correctly defines *equity infra legem*: equitable considerations used inside the existing legal framework without departure from binding rules.

Why other options are wrong:

- Option (A): Deciding *ex aequo et bono* requires the parties' explicit consent under Article 38(2) of the ICJ Statute; it is equity *contra legem*, not *infra legem*.
- Option (B): Creating new rules independent of consent would be *praeter legem* judicial legislation, impermissible without special authorisation.
- Option (C): Refusal of jurisdiction on grounds of inequity is not a recognised form of *equity infra legem*; it conflates equity with *forum non conveniens*.

Final Answer: Equity *infra legem* = equitable considerations within and through existing rules $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q2

Q3.

Solution

Concept — Bilateral/Regional Customary Norms: General custom binds all states (subject to the persistent objector doctrine), but regional or bilateral custom may develop that binds only those states consistently engaged in the practice with a corresponding sense of legal obligation.

Analysis: In the *Asylum Case* (1950), Colombia invoked a regional Latin American custom of diplomatic asylum. The ICJ held that Colombia had not proved a uniform and constant practice amounting to a right binding on Peru. More fundamentally, the case stands for the proposition that regional custom binding only consenting states is conceptually possible, but requires rigorous proof. Option (A) correctly identifies this as the case's leading doctrinal contribution.

Why other options are wrong:

- Option (B): Unilateral declarations may create obligations for the declaring state (*Nuclear Tests Cases*), but the *Asylum Case* does not address this point.
- Option (C): Treaty codification of custom is a separate doctrine; the *Asylum Case* concerns custom existing independently of any treaty.
- Option (D): The ICJ specifically rejected Colombia's claim that diplomatic asylum is a universal custom, holding the contrary.

Final Answer: *Asylum Case* is authority for the existence and requirements of binding regional custom ⇒ $\boxed{\text{A}}$

Answer: (A) Go Back to Q3

Q4.

Solution

Concept — Subsequent Practice under Art. 31(3)(b) VCLT: Article 31(3)(b) provides that, together with the context, there shall be taken into account any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation.

Analysis: The key requirement is that the practice "establishes the agreement of the parties." This does not necessarily require all parties to have engaged in the practice actively; acquiescence by other parties is sufficient. The ILC's 2018 Conclusions on Subsequent Agreements and Subsequent Practice confirm that a common understanding of all or substantially all parties is required. Option (B) captures both the positive engagement and the acquiescence limb.

Why other options are wrong:

- Option (A): No writing or depositary communication is required; subsequent practice includes any conduct in applying the treaty.
- Option (C): The practice of a single party, however significant, does not alone satisfy the "agreement of the parties" criterion.
- Option (D): Article 31(3)(b) applies as part of the primary interpretive rule, not as a subsidiary means under Article 32; it is not limited to cases of textual silence.

Final Answer: Subsequent practice must reflect the agreement (actual or acquiesced in) of all the parties ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q4

Q5.

Solution

Concept — General Principles of Law (Art. 38(1)(c)): Article 38(1)(c) of the ICJ Statute authorises the Court to apply "general principles of law recognised by civilised nations." These are principles common to the major legal systems of the world, transposed to the international plane where applicable.

Analysis: International tribunals have applied domestic legal principles such as *res judicata*, *estoppel*, good faith, *pacta sunt servanda*, unjust enrichment, and the right to be heard. The source is comparative domestic law, not UN resolutions or regional treaties. The ICJ confirmed this in the *Chorzow Factory Case* (1928) and the *Barcelona Traction Case* (1970). Option (C) is correct.

Why other options are wrong:

- Option (A): UNSC resolutions are not a source listed in Article 38; binding Council decisions derive from Chapter VII, not from being general principles.
- Option (B): Regional treaty regimes, however broad their membership, are treaty law under Article 38(1)(a), not general principles under 38(1)(c).
- Option (D): Crystallising customary rules would be covered by Article 38(1)(b), not by the general principles limb.

Final Answer: General principles are drawn from domestic legal systems and transposed to international law $\Rightarrow \boxed{\text{C}}$

Answer: (C) **Go Back to Q5**

Q6.

Solution

Concept — Contextual Interpretation under Art. 31(2) VCLT: Article 31 establishes the general rule of treaty interpretation. Article 31(2) defines "context" to include, in addition to the treaty text (including preamble and annexes), two further categories of agreement: those made between all parties in connection with the treaty's conclusion, and instruments made by one or more parties and accepted by the others.

Analysis: Option (D) reproduces the composite definition in Article 31(2)(a) and (b). The preamble and annexes form part of the text itself; the two additional categories in Article 31(2) extend the context to related agreements and instruments accepted by the parties.

Why other options are wrong:

- Option (A): *Travaux préparatoires* and circumstances of conclusion are supplementary means of interpretation under Article 32, not part of the primary context under Article 31(2).
- Option (B): Domestic legislation is not listed as part of the context under Article 31; it may be relevant to factual analysis but is not a VCLT interpretive tool.
- Option (C): ILC writings are "teachings of publicists" under Article 38(1)(d) of the ICJ Statute; they are not elevated to primary interpretive material by Article 31(2).

Final Answer: Context under Art. 31(2) = text (incl. preamble/annexes) + related agreements and accepted instruments $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q6

Q7.

Solution

Concept — Third-State Rights under Art. 36 VCLT: Article 36 provides a mechanism for conferring rights on third states. It departs from the general principle of *pacta tertiis nec nocent nec prosunt* by permitting states parties to a treaty to intentionally benefit a third state — but only with that state's assent.

Analysis: Under Article 36(1), the parties must intend the provision to confer a right on the third state or group of states to which it belongs. The third state's assent is required but is presumed "so long as the contrary is not indicated." Option (A) accurately states both the intent requirement and the presumed assent mechanism.

Why other options are wrong:

- Option (B): Article 36 concerns rights, while Article 35 concerns obligations. Acquiring a right does not automatically impose corresponding obligations without the third state's separate consent.
- Option (C): Registration with the UN Secretariat under Article 102 of the UN Charter does not affect the creation of third-state rights; it concerns treaty invocability before UN organs.
- Option (D): No distinction between bilateral and multilateral treaties is drawn in Article 36; any treaty may confer rights on a third state.

Final Answer: Art. 36 requires intent of parties to confer right + third state's assent (presumed unless contrary indicated) $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q7

Q8.

Solution

Concept — Object and Purpose Compatibility Test (Art. 19(c) VCLT): Article 19(c) prohibits a state from formulating a reservation incompatible with the object and purpose of the treaty. This test was pioneered by the ICJ before being codified in the VCLT.

Analysis: The ICJ's Advisory Opinion on *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide* (1951) broke from the traditional unanimity rule and adopted a flexible approach: a state may participate in the Genocide Convention even if other contracting parties object to its reservation, provided the reservation is compatible with the Convention's object and purpose. Option (B) correctly identifies this advisory opinion.

Why other options are wrong:

- Option (A): The *Reparation for Injuries* Opinion (1949) addressed the UN's legal personality and its right to bring international claims; it did not concern treaty reservations.
- Option (C): The *Wall* Opinion (2004) addressed the applicability of international humanitarian and human rights law in occupied Palestine; it is unrelated to the reservations compatibility test.
- Option (D): The *Nuclear Weapons* Opinion (1996) addressed the legality of the threat or use of nuclear weapons; it did not establish the reservations test.

Final Answer: *Reservations to Genocide Convention* AO (1951) established the object-and-purpose compatibility test $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q8

Q9.

Solution

Concept — Lex Posterior and the Relationship Between Treaties and Custom: The relationship between treaties and custom is governed by the principle of *lex posterior derogat priori* (later law prevails over earlier law) as between sources of equal rank, subject to the exception for *jus cogens* norms, which cannot be derogated from by any treaty.

Analysis: Where a later treaty is inconsistent with a prior customary rule, the treaty prevails *inter partes* between the contracting states under *lex posterior*. However, the customary rule continues to bind third states not party to the treaty. Only a *jus cogens* rule can resist derogation by treaty. Option (C) correctly states both the inter-partes prevalence of the treaty and the continued effect of custom for non-parties.

Why other options are wrong:

- Option (A): Not every customary rule becomes *jus cogens* when threatened by a treaty; *jus cogens* status requires acceptance by the international community as a whole and is exceptional.
- Option (B): International law does not maintain an absolute coexistence rule; the hierarchy of norms and *lex posterior* principles resolve most conflicts.
- Option (D): Custom does not categorically prevail over treaties; the two sources are generally equal in rank, with *lex specialis* and *lex posterior* governing conflicts.

Final Answer: Treaty prevails over contrary custom *inter partes* under *lex posterior*; custom continues for non-parties $\Rightarrow \boxed{\text{C}}$

Answer: (C) **Go Back to Q9**

Q10.

Solution

Concept — Vienna Convention on Treaty Law (1986): The 1986 Convention extends the treaty law framework of the 1969 VCLT to cover agreements to which international organisations are parties. It has not yet entered into force, as it lacked sufficient ratifications, but it is treated as authoritative codification.

Analysis: The 1986 Convention adapts provisions of the 1969 VCLT — for instance, on capacity to conclude treaties, full powers, and the distinction between constituent instruments and other treaties — to reflect the particular characteristics of international organisations. Option (D) accurately describes this extension and adaptation.

Why other options are wrong:

- Option (A): The 1986 Convention supplements, rather than replaces, the 1969 VCLT; the 1969 Convention continues to apply to treaties exclusively between states.
- Option (B): The 1986 Convention does not prohibit international organisations from making reservations; it adapts the reservations rules to the particular circumstances of organisations.
- Option (C): The 1986 Convention has not entered into force as of August 2026; it required 35 ratifications from parties to the convention but fell short.

Final Answer: The 1986 Convention extends VCLT treaty-law rules to agreements involving international organisations $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q10

Q11.

Solution

Concept — Attribution under Art. 8 ILC ASR: Article 8 of the ILC ASR is the primary attribution rule for private actors. It codifies the "effective control" standard articulated by the ICJ in the *Nicaragua Case* (1986) — a standard later distinguished from the ICTY's "overall control" test in *Tadić*.

Analysis: Under Article 8, conduct of a private person or entity is attributable to the state if the person was acting on the state's instructions or under its direction or control. The ICJ in *Nicaragua* required "effective control" over the specific operation; the state must have directed or authorised the specific act, not merely organised or financed the group generally. Option (A) correctly states both the factual basis (instructions, direction, or control) and labels this the "effective control" standard.

Why other options are wrong:

- Option (B): Subsequent ratification or acknowledgement is governed by Article 11, not Article 8; the question specifically asks about Article 8.
- Option (C): Performing inherently governmental functions is the attribution standard in Article 5 (entities empowered by domestic law), not Article 8.

- Option (D): Material benefit without prior authorisation is not a recognised basis of attribution under the ILC ASR; it conflates unjust enrichment with state responsibility.

Final Answer: Art. 8 attributes private-actor conduct to the state when acting on state instructions or under effective control $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q11

Q12.

Solution

Concept — Multiple Injured States and Invocation of Responsibility: Articles 42 and 48 of the ILC ASR distinguish between "injured states" (those specially affected by a breach) and states invoking responsibility in the collective interest. Article 46 addresses the particular position where multiple states are injured by the same breach.

Analysis: Under Article 46 of the ILC ASR, where several states are injured by the same internationally wrongful act, each injured state may separately invoke the responsibility of the responsible state. There is no consolidation requirement and no first-come-first-served rule. Option (B) correctly captures this decentralised, parallel invocation right.

Why other options are wrong:

- Option (A): There is no priority rule in international law governing which state may invoke responsibility first; all injured states may do so independently.
- Option (C): No consolidation or lead-state rule exists in the ILC ASR or in general international law.
- Option (D): The Security Council has no role in authorising the invocation of state responsibility between states in the law of state responsibility framework.

Final Answer: Each injured state may independently invoke responsibility and claim reparation proportionate to its injury $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q12

Q13.

Solution

Concept — Cessation as a Secondary Obligation: The ILC ASR divides obligations into "primary" (the substantive obligations breached) and "secondary" (the consequences of breach, including cessation, non-repetition, and reparation). Cessation is a secondary obligation arising from the wrongful act.

Analysis: Article 30 of the ILC ASR obligates the responsible state to cease the wrongful act if it is continuing and to offer appropriate assurances of non-repetition. This is classified as a secondary obligation because it arises as a direct legal consequence of the internationally wrongful act itself. Option (C) accurately describes cessation as a secondary obligation triggered by the wrongful act.

Why other options are wrong:

- Option (A): Cessation does not follow upon payment of reparation; it is triggered by the continuing wrongful act and arises simultaneously with the duty to make reparation, not sequentially after it.
- Option (B): Cessation is not a primary obligation existing independently; it is specifically tied to the occurrence of an internationally wrongful act.
- Option (D): No "tertiary" category exists in the ILC ASR framework; the classification is binary: primary and secondary obligations.

Final Answer: Cessation is a secondary obligation arising from the internationally wrongful act under Art. 30 ILC ASR $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q13

Q14.

Solution

Concept — Interest in Compensation Awards: Full reparation under Article 31 of the ILC ASR requires wiping out all consequences of the wrongful act. Where compensation is awarded, interest may be necessary to ensure that the sum awarded truly reflects the full loss suffered, accounting for the time value of money.

Analysis: The ILC Commentary to Article 38 of the ASR confirms that interest is payable from the date on which the principal sum should have been paid — generally the date of the wrongful act or the date when the loss was suffered. The rate is determined by the tribunal in light of the need for full reparation. Option (D) correctly identifies both the commencement date (when principal was due) and the discretionary rate-setting by the tribunal.

Why other options are wrong:

- Option (A): Interest is a recognised component of full reparation in international practice; it is regularly awarded to ensure the completeness of the remedy.
- Option (B): No IMF SDR-rate formula is mandated; tribunals enjoy discretion in setting the interest rate.
- Option (C): Limiting interest to the date of the award contradicts the ASR Commentary, which provides for interest from the date the principal was due.

Final Answer: Interest runs from when principal was due; rate set by tribunal to achieve full reparation ⇒ D

Answer: (D) Go Back to Q14

Q15.

Solution

Concept — Enclosed and Semi-Enclosed Seas (Arts. 122–123 UNCLOS): Part IX of UNCLOS (Articles 122–123) addresses enclosed and semi-enclosed seas — bodies of water surrounded by two or more states and connected to another sea or ocean by a narrow outlet. Article 123 imposes a duty of cooperation on bordering states.

Analysis: Article 123 requires bordering states to endeavour to coordinate the management, conservation, exploration, and exploitation of living resources; environmental protection; and marine scientific research — either directly or through appropriate regional organisations. This is a cooperation duty, not a compulsory joint authority. Option (A) accurately describes this duty.

Why other options are wrong:

- Option (B): No joint authority with compulsory jurisdiction is required; Article 123 imposes a duty to "endeavour to coordinate," not to establish a mandatory institutional framework.
- Option (C): Article 123 does not provide for compulsory binding arbitration; it is a cooperative framework, not a dispute settlement mechanism.
- Option (D): Enclosed seas are not automatically treated as international waters; they remain subject to the EEZ and territorial sea regimes of the bordering states.

Final Answer: Art. 123 obliges bordering states to endeavour to cooperate in resource management, environmental protection, and scientific research ⇒ $\boxed{\text{A}}$

Answer: (A) Go Back to Q15

Q16.

Solution

Concept — Artificial Islands under Art. 60 UNCLOS: Article 60 of UNCLOS grants the coastal state the exclusive right to construct, authorise, and regulate artificial islands, installations, and structures in its EEZ. However, such artificial islands have a defined and limited legal status.

Analysis: Article 60(8) expressly provides that artificial islands, installations, and structures do not possess the status of islands under Article 121. They therefore cannot generate their own territorial sea, EEZ, or continental shelf. The South China Sea Arbitration (Philippines v. China, 2016) confirmed this: Chinese-constructed artificial islands did not generate maritime entitlements. Option (B) is correct.

Why other options are wrong:

- Option (A): Artificial islands cannot generate EEZ or continental shelf entitlements under Article 60(8); this is explicitly excluded.
- Option (C): No extension of the territorial sea around artificial islands is permitted; Article 60 provides only for a 500-metre safety zone.
- Option (D): Artificial islands in the EEZ are within the coastal state's exclusive rights under Article 60; they are not subject to the high seas freedoms of Part VII.

Final Answer: Artificial islands cannot generate territorial sea, EEZ, or continental shelf under Art. 60(8) UNCLOS ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q16

Q17.

Solution

Concept — Seabed Disputes Chamber of ITLOS: The Seabed Disputes Chamber (SDC) is a specialised chamber of ITLOS established under Article 186 of UNCLOS. It has jurisdiction over a defined category of disputes arising from activities in the Area (the international seabed beyond national jurisdiction governed by Part XI of UNCLOS).

Analysis: Under Article 187 of UNCLOS, the SDC has jurisdiction over disputes between states parties, between a state party and the International Seabed Authority (ISA), between parties to contracts for seabed activities, and between the ISA and a contractor — all concerning activities in the Area. Option (C) correctly identifies this specialised jurisdiction.

Why other options are wrong:

- Option (A): Extended continental shelf delimitation disputes are handled by an arbitral tribunal under Annex VII or VIII; they do not fall within the SDC's subject-matter jurisdiction.
- Option (B): Advisory opinions from the SDC may be requested by the ISA Assembly or Council, not by the UNGA; and the question asks about contentious jurisdiction.
- Option (D): Coastal state enforcement in the EEZ falls under Articles 297–299 and the general Part XV dispute settlement provisions, not the SDC's specific jurisdiction.

Final Answer: SDC has contentious jurisdiction over disputes concerning activities in the Area involving states, the ISA, and contractors $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q17

Q18.

Solution

Concept — Default Dispute Settlement under Art. 287 UNCLOS: Article 287(1) allows states to choose from four procedures: ITLOS, ICJ, Annex VII arbitration, or Annex VIII special arbitration. Article 287(5) addresses the situation where the parties have not chosen the same procedure.

Analysis: Under Article 287(5), where states have not accepted the same procedure, the dispute shall be submitted to arbitration under Annex VII unless the parties agree otherwise. This makes Annex VII arbitration the residual or default mechanism, ensuring that no dispute falls into a procedural vacuum. Option (D) correctly states this default rule.

Why other options are wrong:

- Option (A): There is no automatic referral to the ICJ under UNCLOS when procedures differ; the ICJ is merely one of the four choices available, not a default.
- Option (B): Compulsory dispute settlement under Section 2 of Part XV is still available even where procedures do not match; the Annex VII default ensures this.
- Option (C): The respondent's choice does not prevail; the default is Annex VII, regardless of either party's preference.

Final Answer: When parties choose different procedures, Annex VII arbitration is the default under Art. 287(5) UNCLOS $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q18

Q19.

Solution

Concept — Jurisdiction to Prescribe vs. Enforce: International law distinguishes between three types of jurisdiction: prescriptive (legislative), adjudicative (judicial), and enforcement (executive). The most critical distinction for purposes of extraterritorial application is between prescriptive and enforcement jurisdiction.

Analysis: A state may legitimately extend the reach of its domestic law (prescriptive jurisdiction) to persons or acts outside its territory on recognised bases — territoriality, nationality, protective principle, passive personality, universality. However, a state may not physically enforce its laws outside its own territory without the territorial state's consent, as enforcement on foreign soil without consent violates sovereignty. Option (A) correctly captures both elements: the breadth of prescriptive jurisdiction and the territorial limitation on enforcement.

Why other options are wrong:

- Option (B): The two types of jurisdiction are not coextensive; enforcement jurisdiction has a stronger territorial limitation than prescriptive jurisdiction.
- Option (C): Enforcement jurisdiction is actually the more restricted type, not the broader one; the nationality link does not automatically permit extraterritorial enforcement.

- Option (D): The distinction remains operative in international law; the effects doctrine is a basis for prescriptive jurisdiction but does not eliminate the distinction.

Final Answer: Prescribe = make law applicable; enforce = compel compliance (confined as a rule to the state's own territory) $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q19

Q20.

Solution

Concept — Jurisdiction over Cyber Operations: The question of how existing jurisdictional bases apply to cyberspace is addressed in the Tallinn Manual 2.0 (2017) and in emerging state practice. The consensus view rejects the "law-free zone" thesis and applies existing international law to cyberspace.

Analysis: The Tallinn Manual 2.0 (Rules 7–11) and the majority of international law scholars confirm that existing bases of jurisdiction — territoriality (including effects-based), nationality, and the protective principle — apply to cyberspace. States remain bound by the non-intervention principle and the requirement of a genuine connecting link. Option (B) accurately reflects this prevailing view.

Why other options are wrong:

- Option (A): The proposition that cyberspace is law-free has been rejected by the UN Group of Governmental Experts (2013, 2015, 2021) and by state practice.
- Option (C): Universal effects-based jurisdiction over all cyber actors without any connecting link is not accepted; the genuine link requirement persists.
- Option (D): The Budapest Convention does not create universal jurisdiction; it harmonises domestic criminal law and facilitates mutual legal assistance among parties.

Final Answer: Existing jurisdictional bases apply to cyberspace subject to sovereignty, non-intervention, and genuine link requirements $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q20

Q21.

Solution

Concept — Duty Not to Interfere under Art. 41(1) VCDR: Article 41(1) of the VCDR imposes a general duty on diplomatic agents to respect the laws and regulations of the receiving state and not to interfere in the internal affairs of that state. This duty coexists with their diplomatic privileges and immunities.

Analysis: Article 41(1) provides: "Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State." Option (C) accurately restates this dual obligation. The receiving state may declare a diplomatic agent *persona non grata* under Article 9 if this duty is violated.

Why other options are wrong:

- Option (A): No financial disclosure obligation is imposed on diplomatic agents by the VCDR; banking secrecy and domestic financial regulations may apply, but Article 41(1) does not require disclosure.
- Option (B): Diplomatic agents communicate with nationals of the sending state as part of their official functions; no prior authorisation from the receiving state is required.
- Option (D): Immunity in civil matters outside official functions may be waived by the sending state under Article 32, but Article 41(1) does not require agents to surrender immunity on the receiving state's request.

Final Answer: Art. 41(1) VCDR requires respect for receiving state's laws and non-interference in its internal affairs $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q21

Q22.

Solution

Concept — Breaking of Diplomatic Relations and Art. 45 VCDR: The severance of diplomatic relations does not end all obligations between the two states. Article 45 of the VCDR specifies continuing obligations on the receiving state after the break.

Analysis: Under Article 45, the receiving state must: (a) respect and protect the premises of the mission along with its property and archives; (b) permit the sending state to entrust the custody of those premises to a third state acceptable to the receiving state (a protecting power); (c) permit the sending state to remove its movable property. Option (D) correctly summarises these obligations.

Why other options are wrong:

- Option (A): Neither immediate expulsion of all staff nor freezing of assets is mandated by Article 45; the VCDR provides a more measured transition framework.
- Option (B): Breaking relations does not suspend treaty obligations toward the sending state's nationals; other applicable treaties and customary law continue to apply.
- Option (C): The VCDR does not require notification to the ICJ or mandate the appointment of a protecting power within 30 days; the receiving state must simply accommodate the protecting power arrangement if the sending state so requests.

Final Answer: Art. 45 obliges the receiving state to protect mission premises/archives and permit a protecting power to assume custody $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q22

Q23.

Solution

Concept — Transit Privileges under Art. 40 VCDR: Article 40 of the VCDR addresses the obligations of third states through whose territory a diplomatic agent transits on the way to or from the receiving state, or when returning home.

Analysis: Under Article 40(1), the third state must accord the diplomatic agent inviolability and such other immunities as may be required to ensure transit or return. The agent must hold a passport visa if required by the third state. The immunities granted are narrower than those in the receiving state — the third state need only grant what is necessary for transit. Option (A) correctly describes both the obligation and the visa condition.

Why other options are wrong:

- Option (B): The VCDR does expressly impose obligations on transit states under Article 40; the claim of no obligation is plainly wrong.
- Option (C): Transit privileges are not equivalent to the full range of receiving-state immunities; Article 40 grants only the minimum required for transit.
- Option (D): Transit state obligations are not discretionary; they are manda-

tory under Article 40, though their scope is calibrated to what is necessary for transit.

Final Answer: Third (transit) states must accord inviolability and necessary transit immunities, subject to the visa requirement $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q23

Q24.

Solution

Concept — Consular Functions and Functional Immunity: Unlike diplomatic agents, consular officers enjoy only functional immunity — immunity from the receiving state's jurisdiction in respect of acts performed in the exercise of consular functions under Article 43 VCCR. The consular functions are exhaustively listed in Article 5.

Analysis: Article 5 of the VCCR lists consular functions including protecting the interests of the sending state and its nationals, issuing passports and visas, notarial acts, legalisation of documents, assistance to nationals in distress, and transmitting judicial documents. Profit-making commercial business activities on behalf of a private family company are not consular functions; they are private commercial acts that attract no functional immunity. Option (B) describes an activity that is plainly NOT a consular function.

Why other options are wrong:

- Option (A): Issuing passports and travel documents to nationals and visas to travellers is expressly listed as a consular function in Article 5(d).
- Option (C): Assisting and protecting nationals of the sending state, including those in distress, is Article 5(e); it is a core consular function.
- Option (D): Transmitting judicial and extra-judicial documents and executing letters rogatory is listed in Article 5(j) of the VCCR as a consular function.

Final Answer: Private profit-making commercial business activities are NOT consular functions under Art. 5 VCCR $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q24

Q25.

Solution

Concept — Certain Expenses Advisory Opinion (1962): The ICJ's Advisory Opinion of 20 July 1962 addressed the constitutional basis for the UN's peace-keeping financing obligations. It arose from the refusal of the Soviet Union and France to pay for ONUC (Congo) and UNEF (Middle East) operations.

Analysis: The Court held that expenditures authorised by the General Assembly for peacekeeping operations were "expenses of the Organisation" within Article 17(2) of the UN Charter. The Court employed a presumption that UN action is intra vires unless clearly contrary to the Charter. Option (C) correctly identifies this as the central question and its resolution.

Why other options are wrong:

- Option (A): The voting rules for Security Council procedural and substantive matters were addressed in the 1950 *Voting Procedure* and 1971 *Namibia* opinions; the *Certain Expenses* opinion did not concern this issue.
- Option (B): The *Conditions of Membership* Advisory Opinion (1948) addressed UNGA admission of member states; the *Certain Expenses* opinion concerned financing.
- Option (D): The Secretary-General's authority over financial commitments was not the central question in the *Certain Expenses* opinion.

Final Answer: *Certain Expenses* AO (1962) held that UNGA-authorised peacekeeping costs are "expenses of the Organisation" binding all members under Art. 17(2) $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q25

Q26.

Solution

Concept — ILC Working Methods: The International Law Commission (ILC) is the UN body mandated to promote the progressive development and codification of international law under Article 13(1)(a) of the UN Charter. Its working method is distinctive, centring on the role of the Special Rapporteur.

Analysis: For each topic on its agenda, the ILC appoints a Special Rapporteur from among its members. The Special Rapporteur produces annual reports containing draft articles, guidelines, or conclusions with commentaries. The Commission debates these reports, the Drafting Committee refines the text, and the Commission adopts the final output, which is then transmitted to the UNGA for further action — whether as a model for a diplomatic conference, a UNGA resolution, or standalone guidance. Option (D) correctly describes this process.

Why other options are wrong:

- Option (A): The ILC is not itself an intergovernmental negotiating forum open to all states; it is a body of independent experts elected by the UNGA.
- Option (B): ILC outputs are not legally binding directives; states are not compelled to follow them, and no enforcement mechanism exists.
- Option (C): The ILC reviews its own draft proposals; it does not approve drafts proposed by the ICJ, and the ICJ does not propose draft conventions.

Final Answer: ILC works through Special Rapporteur reports, Commission discussion, adoption of drafts, and transmission to UNGA $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q26

Q27.

Solution

Concept — Chapter VIII of the UN Charter and Regional Organisations: Articles 52–54 of the UN Charter create a framework for regional arrangements and agencies dealing with matters of international peace and security.

Analysis: Article 53 provides that the Security Council shall, where appropriate, utilise regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken without the Security Council's authorisation. Article 54 requires regional organisations to keep the Security Council fully informed of their activities for the maintenance of international peace and security. Option (A) correctly states both these requirements.

Why other options are wrong:

- Option (B): Regional organisations do not have an independent enforcement mandate; Article 53 expressly requires prior Security Council authorisation.
- Option (C): No prohibition exists on regional organisations dealing with matters also on the Security Council's agenda; Article 52(4) encourages pacific settlement through regional means even for matters before the Council.
- Option (D): Chapter VIII does not displace Article 51 collective self-defence; the two frameworks operate in parallel.

Final Answer: Regional enforcement action requires prior UNSC authorisation;

regional organisations must keep the UNSC fully informed ⇒ $\boxed{\text{A}}$

$\boxed{\textbf{Answer: (A)}}$ Go Back to Q27

Q28.

Solution

Concept — Independence of the Secretariat (Art. 100 UN Charter): Article 100 is the cornerstone provision protecting the exclusively international character of the UN Secretariat from national political influence.

Analysis: Article 100(1) provides: "In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization." Article 100(2) adds: "Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities." Option (B) accurately restates both paragraphs.

Why other options are wrong:

- Option (A): States do not have a right to second national officials to the Secretariat with recall rights; Secretariat staff owe allegiance to the UN, not to their states.
- Option (C): The Secretary-General may not accept instructions from the Security Council or General Assembly in ways that compromise the Secretariat's independence; Article 100 applies uniformly.
- Option (D): No veto-like power of the Secretary-General over Security Council resolutions exists; Article 100 addresses independence of the Secretariat, not a right to refuse UNSC directives.

Final Answer: Art. 100 requires Secretariat independence from national instructions; member states must respect this and not seek to influence staff ⇒ $\boxed{\text{B}}$

$\boxed{\textbf{Answer: (B)}}$ Go Back to Q28

Q29.

Solution

Concept — Enforcement of ICJ Judgments (Art. 94 UN Charter): Article 94 creates both a primary obligation (states comply with ICJ judgments) and an enforcement mechanism. Article 94(2) addresses non-compliance.

Analysis: Under Article 94(2), if a party fails to perform ICJ obligations, the other party may have recourse to the Security Council, which "may" recommend or "decide upon" measures to give effect to the judgment. The discretionary language "may" is critical: the Security Council is not obligated to act, and any permanent member may veto any enforcement decision. The *Nicaragua Case* (post-judgment phase) illustrates this: the United States vetoed Security Council action. Option (C) correctly captures both the aggrieved party's right of recourse and the permissive, veto-able nature of Security Council action.

Why other options are wrong:

- Option (A): The ICJ Registrar has no power to refer matters to the UNGA; Article 94(2) confers the right of recourse on the aggrieved state, not on ICJ officers.
- Option (B): The Security Council has no automatic duty to act; "may" makes it discretionary, and the veto further constrains any response.
- Option (D): No self-executing enforcement mechanism exists in international law; distraint of foreign state assets would require domestic implementation and is not authorised by Article 94.

Final Answer: Aggrieved state may have recourse to UNSC, which *may* act; permanent member veto can frustrate enforcement $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q29

Q30.

Solution

Concept — WTO Appellate Body Crisis: The WTO Appellate Body (AB) is the apex adjudicatory body of the WTO dispute settlement system, hearing appeals from Panel reports. Its normal composition requires three of its seven members to hear each appeal.

Analysis: Beginning in 2017, the United States blocked the appointment (or reappointment) of AB members, citing concerns about judicial overreach and *precedent stare decisis*. By December 11, 2019, the AB fell to one member — below the three required for a panel — rendering it unable to hear new appeals. Pending appeals are in limbo. In response, the European Union and a large number of other WTO members established the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) in 2020 as an interim substitute. Option (D) accurately describes these developments.

Why other options are wrong:

- Option (A): The AB was not dissolved by consensus; the DSB has been unable to appoint members, leaving the AB in a state of paralysis, not formal dissolution.
- Option (B): The United States has not withdrawn from the WTO; it has pursued reform through blocking appointments and section 301 tariff actions within the WTO framework.
- Option (C): The DSU has not been amended to remove appeals; the crisis arises from non-appointment of members, not a legal amendment.

Final Answer: US blockade of AB appointments left the AB inquorate since Dec. 2019; members created MPIA as interim alternative $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q30

Q31.

Solution

Concept — Consent-Based Jurisdiction and the Optional Clause: The foundational principle in international adjudication is that a state cannot be compelled to submit to international adjudication without its consent. The optional clause declaration under Article 36(2) of the ICJ Statute is the principal mechanism through which states voluntarily accept compulsory jurisdiction.

Analysis: Under Article 36(2), states may at any time declare that they recognise as compulsory, *ipso facto* and without special agreement, the jurisdiction of the ICJ in relation to any other state accepting the same obligation. Despite using the word "compulsory," this jurisdiction remains grounded in the state's voluntary act of acceptance (unilateral declaration). It is therefore an example of consent-based jurisdiction. Option (A) correctly identifies the optional clause as the best illustration of the consent principle.

Why other options are wrong:

- Option (B): Article 36(3) of the UN Charter recommends (but does not compel) legal disputes to be referred to the ICJ; the Security Council cannot compel states to submit to ICJ jurisdiction.

- Option (C): Forum prorogatum requires the respondent's acceptance of jurisdiction shown by its voluntary participation in proceedings; it is not established merely by the applicant showing a "reasonable basis."
- Option (D): Article 93 of the UN Charter makes UN members *ipso facto* parties to the ICJ Statute, but does not confer automatic jurisdiction over disputes; the ICJ Statute itself requires separate acceptance of jurisdiction.

Final Answer: Optional clause declaration under Art. 36(2) is voluntary acceptance of compulsory jurisdiction — consent-based despite its "compulsory" label $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q31

Q32.

Solution

Concept — Military Necessity in IHL: Military necessity is one of the foundational principles of IHL, alongside distinction, proportionality, and humanity. It was articulated in its modern form in the Lieber Code (1863) and the *Ex parte Quirin* judgment, and is reflected in Additional Protocol I and customary IHL.

Analysis: Military necessity permits only those measures that are lawful under IHL, actually necessary to achieve a military objective, and cause the least unnecessary suffering. Critically, military necessity operates *within* IHL, not as an exception to it. The ICRC Commentary to Additional Protocol I confirms that necessity cannot justify violations of IHL's absolute prohibitions. Option (B) captures this "indispensable within the law" formulation.

Why other options are wrong:

- Option (A): Military necessity is not an open-ended exception permitting disregard of IHL rules; to accept this would be to negate IHL entirely.
- Option (C): Military necessity is assessed at all levels of command including the tactical level; it is not confined to strategic decision-making.
- Option (D): Military necessity does not supersede proportionality; both principles apply simultaneously and are equally fundamental to IHL.

Final Answer: Military necessity permits only IHL-compliant, indispensable measures — it operates within, not as an exception to, IHL $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q32

Q33.

Solution

Concept — Loss of Medical Unit Protection under IHL: Additional Protocol I (API), Articles 12–14, protects medical units from attack. However, this protection is conditional and ceases when a medical unit is used to commit acts harmful to the enemy outside its humanitarian function.

Analysis: Under Article 13 of API, the protection of medical units may cease "only after a due warning has been given, naming a reasonable time limit, and after such warning has remained unheeded." The protection is lost when the unit is used, outside its humanitarian mission, to commit acts harmful to the enemy — such as storing weapons or serving as a firing position. Option (C) correctly describes such a scenario and includes the required warning.

Why other options are wrong:

- Option (A): Treating both friendly and enemy wounded is expressly required by IHL; it does not cause loss of protection.
- Option (B): Treating civilian casualties is part of the medical function; receiving civilians in need of care does not constitute an act harmful to the enemy.
- Option (D): Military escort with personal weapons for self-defence is explicitly permitted under Article 13(2)(a) of API and does not constitute a harmful act.

Final Answer: Medical unit loses protection when used for acts harmful to the enemy (after due warning), such as storing weapons $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q33

Q34.

Solution

Concept — NIAC Threshold (Tadić Criteria): The ICTY Appeals Chamber in *Prosecutor v. Tadić* (Jurisdiction, 1995) articulated the threshold for a non-international armed conflict (NIAC) under customary international humanitarian law.

Analysis: The *Tadić* Appeals Chamber held that an armed conflict "exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State." For NIACs specifically, the two cumulative criteria are:

(1) minimum intensity of violence (beyond internal disturbances and sporadic violence); and (2) sufficient organisation of the non-state party with a responsible command. Option (D) correctly restates these two criteria.

Why other options are wrong:

- Option (A): Formal declaration of insurgency and third-state recognition of belligerency are elements of the 19th-century law of belligerency; the modern IHL threshold under *Tadić* does not require them.
- Option (B): Territorial control sufficient for governance is not required for NIAC threshold; the ICRC Commentary confirms that even groups without territorial control may qualify.
- Option (C): Administrative governance, currency issuance, and tax collection are criteria relevant to determining effective control of territory, not the threshold for a NIAC.

Final Answer: NIAC threshold under *Tadić*: minimum intensity of violence + sufficient organisation of the non-state party $\Rightarrow \boxed{\text{D}}$

Answer: (D) **Go Back to Q34**

Q35.

Solution

Concept — CAT Committee Individual Communications (Art. 22 CAT): The UN Convention Against Torture (1984) provides several monitoring mechanisms. Article 22 establishes an optional individual communications procedure by which the Committee Against Torture may receive and consider complaints from individuals.

Analysis: Article 22(1) provides that a state party may, "at any time," declare that it recognises the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation. This is an opt-in procedure: states must make a specific declaration. Additionally, Article 22(5)(b) requires that the individual shall have exhausted all available domestic remedies (unless their application is unreasonably prolonged). Option (A) correctly states both conditions.

Why other options are wrong:

- Option (B): The individual communication procedure applies only against states that have made a specific Article 22 declaration; it is not universally available against all CAT parties.

- Option (C): No UNGA authorisation is required for the Committee to receive individual communications; the Committee operates under its own treaty mandate.
- Option (D): Admissibility is not limited to nationals of the state party; it extends to all individuals "subject to its jurisdiction," which may include non-nationals.

Final Answer: Art. 22 requires state's specific declaration accepting the procedure + exhaustion of domestic remedies by the individual $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q35

Q36.

Solution

Concept — UN Declaration on Human Rights Defenders (1998): The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144) is a UNGA resolution, not a treaty.

Analysis: UNGA resolutions are not, as a matter of general international law, legally binding on member states. The Declaration therefore has no treaty-law binding force. However, it has significant practical and normative weight: it may reflect existing customary norms on freedom of expression, association, and peaceful assembly; it may stimulate the crystallisation of new custom; and it is used as an interpretive tool by UN treaty bodies and Special Procedures mandate-holders. Option (B) accurately describes this intermediate legal status.

Why other options are wrong:

- Option (A): Consensus adoption does not make a UNGA resolution legally binding; Article 10 of the UN Charter gives the UNGA only recommendatory powers.
- Option (C): The Declaration provides no right of direct petition to the ICJ; the ICJ's contentious jurisdiction is limited to states.
- Option (D): UNGA resolutions apply to all member states; the binding or non-binding nature does not depend on whether a state participated in drafting or expressed reservations.

Final Answer: The 1998 Declaration is non-binding as a UNGA resolution but reflects and contributes to developing norms protecting human rights defenders $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q36

Q37.

Solution

Concept — Stimson Doctrine and Non-Recognition: The Stimson Doctrine (January 1932) was enunciated by US Secretary of State Henry Stimson in response to Japan's occupation of Manchuria. It holds that the United States will not recognise any treaty or agreement between states impairing US treaty rights or brought about by means contrary to the Covenant of the League of Nations. The doctrine evolved into a broader principle of non-recognition of situations created by illegal force.

Analysis: The principle was subsequently incorporated into customary international law and the ILC ASR (Article 41(2)), which provides that states shall not recognise as lawful a situation created by a serious breach of a peremptory norm (*jus cogens*). This includes illegal acquisition of territory by force (violating the prohibition in Article 2(4) of the UN Charter), violations of self-determination, and other *jus cogens* breaches. Option (C) accurately describes this obligation.

Why other options are wrong:

- Option (A): No rule of international law prohibits diplomatic relations with a new state prior to UN admission; recognition and UN membership are distinct processes.
- Option (B): The duty of non-recognition does not extend to a duty of military intervention to reverse the situation; Article 41(2) ILC ASR does not require forceful reversal.
- Option (D): Non-recognition is not required to take identical diplomatic forms; states may respond differently, provided they do not recognise the illegal situation as lawful.

Final Answer: States must not recognise as lawful any situation created by a serious breach of *jus cogens* (e.g., illegal annexation) $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q37

Q38.

Solution

Concept — State Succession to Debts: State succession to debts is governed by the 1983 Vienna Convention on Succession of States in Respect of State Property, Archives, and Debts (not yet in force) and by customary international law. The position of newly independent states is particularly complex.

Analysis: The "clean slate" doctrine holds that newly independent states do not automatically succeed to the debts of the predecessor state. Article 38 of the 1983 Convention provides that, unless agreed otherwise, no state debt of the predecessor state passes to the newly independent state. However, where debts were contracted specifically for and in the territory of the new state, an equitable share of those debts may pass. Option (D) correctly captures this qualified clean-slate rule: general non-succession, with a possible equitable exception for localised debts.

Why other options are wrong:

- Option (A): Automatic proportional succession to all predecessor debts reflects the partial succession doctrine applicable to other categories of succession (cession, dissolution), not to newly independent states.
- Option (B): The clean slate does not result in complete extinction of all debts; locally contracted debts may still pass under the equitable exception.
- Option (C): Automatic passage of all debts as an incident of territorial sovereignty describes the 19th-century view, which has been substantially modified by the clean-slate doctrine for newly independent states.

Final Answer: New states enjoy a clean slate from predecessor debts, except for equitable share of debts specifically benefiting the new territory $\Rightarrow \boxed{D}$

Answer: (D) Go Back to Q38

Q39.

Solution

Concept — Precautionary Principle (Principle 15, Rio Declaration): The precautionary approach was articulated in Principle 15 of the 1992 Rio Declaration on Environment and Development. Its core content is that scientific uncertainty should not delay protective action where serious or irreversible harm is threatened.

Analysis: Principle 15 provides: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." Option (A) precisely reproduces this formulation. The ICJ examined the precautionary principle's customary status in *Pulp Mills on the River Uruguay* (2010), where it treated the principle as an approach informing treaty interpretation rather than an independently binding rule.

Why other options are wrong:

- Option (B): Principle 15 does not require halting all activities until safety is certified; it requires only cost-effective preventive measures despite uncertainty.
- Option (C): Principle 15 does not shift burdens to private actors through a UNEP complaint procedure; it is addressed to states as a matter of environmental governance.
- Option (D): Prior informed consent of neighbouring states is the principle of prior notification and consultation (reflected in the Trail Smelter arbitration and the 1991 Espoo Convention); it is distinct from the precautionary principle.

Final Answer: Principle 15: lack of full scientific certainty shall not delay cost-effective precautionary measures against serious/irreversible damage $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q39

Q40.

Solution

Concept — WTO Law and General International Law: The relationship between WTO law as a specialised treaty regime and general public international law is a significant issue in international legal theory, touching on questions of fragmentation and systemic integration.

Analysis: In the *EC — Hormones* case (1998), the WTO Appellate Body rejected the Panel's finding that the precautionary principle had risen to the level of binding customary international law. More fundamentally, on the relationship between WTO law and general international law, the AB stated that WTO agreements "are not to be read in clinical isolation from public international law," affirming the applicability of general international law to WTO interpretation under Article 3.2 DSU and Article 31 VCLT. Option (B) accurately reflects this "not in clinical isolation" holding.

Why other options are wrong:

- Option (A): The AB expressly rejected the self-contained regime thesis; it confirmed that general international law applies to WTO agreements.
- Option (C): The AB in *EC — Hormones* specifically held that the precautionary principle had not yet crystallised into a binding rule of customary international law; it was not accepted as a complete defence.
- Option (D): The AB did not apply *lex posterior* to allow environmental law to override WTO commitments; subsequent developments in other areas of international law do not automatically override WTO obligations.

Final Answer: WTO law does not operate in "clinical isolation" from general international law; both inform treaty interpretation $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q40

Answer Key

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