CLAT PG Public International Law Sample Paper – 8

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. The International Law Commission (ILC) was established under Article 13(1)(a) of the UN Charter with the dual mandate of promoting the "codification and progressive development" of international law. Which of the following most accurately distinguishes between these two concepts as understood in ILC practice?

(A) Codification refers exclusively to drafting new multilateral treaties, while progressive development involves only restating pre-existing customary norms in declaratory form.

(B) Codification produces obligations binding on all states *erga omnes*, whereas progressive development creates only soft law instruments with no binding force.

(C) Codification and progressive development are wholly indistinguishable in practice because ILC draft articles invariably blend both elements without differentiation.

(D) Codification systematizes and precisely defines pre-existing rules where there is already substantial state practice and *opinio juris*, while progressive development involves the elaboration of new rules in areas where the law is nascent or unsettled.

Q2. Which of the following statements most accurately captures a key theoretical distinction between "soft law" instruments and "hard law" obligations in public international law?

(A) Soft law instruments lack legally binding force but may generate normative expectations, influence state behaviour, and gradually crystallize into customary international law or inform the interpretation of binding treaties.

(B) Soft law instruments are equivalent to treaties in their binding force but differ only in the procedural requirements for their adoption by international bodies.

(C) Hard law obligations are exclusively treaty-based, whereas all customary international law norms constitute soft law because they lack a formal written instrument.

(D) Soft law has no relevance to dispute settlement proceedings because international courts and tribunals are categorically barred from considering non-binding instruments in their reasoning.

Q3. State X and State Y conclude a bilateral treaty expressly permitting the transfer of prisoners of war to a third party that may subject them to torture. A third State challenges the validity of this arrangement before an international tribunal. Which of the following best explains the applicable international law position?

(A) The treaty is valid because sovereign states have absolute freedom to conclude bilateral treaties on any subject matter of mutual interest, and no external party may challenge this freedom.

(B) The treaty is void *ab initio* under Article 53 of the VCLT because it conflicts with a peremptory norm (*jus cogens*) from which no derogation is permissible by any treaty, regardless of the parties' consent.

(C) The treaty is merely voidable at the option of the third State, which may petition the ICJ to annul its provisions at any time within ten years of its conclusion.

(D) The treaty is valid as between the parties but creates no obligations for the third State, which may simply ignore its existence without any further legal consequence.

Q4. Under Article 31(3)(b) of the Vienna Convention on the Law of Treaties, "subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation" may be taken into account. Which of the following best describes the required character of such subsequent practice to qualify under this provision?

(A) Any act by a single state party following the treaty's entry into force constitutes subsequent practice for interpretive purposes, regardless of the reactions of other parties.

(B) Subsequent practice under Art. 31(3)(b) refers exclusively to formal inter-state diplomatic correspondence and official protests exchanged between parties concerning specific treaty provisions.

(C) Subsequent practice must consist of a concordant, common, and consistent pattern of acts or pronouncements by the parties that collectively establishes their agreement regarding the interpretation of the treaty.

(D) Subsequent practice is admissible as an interpretive tool only where the treaty text is entirely silent on the matter and where the ILC has formally identified and recorded an interpretive gap.

Q5. Under general international law, which of the following statements most accurately describes the capacity of a bilateral or multilateral treaty to modify pre-existing rules of customary international law?

(A) Treaties can never modify customary international law because custom is hierarchically superior to treaty law in the sources enumerated under Article 38(1) of the ICJ Statute.

(B) A treaty automatically modifies the relevant rule of customary law for all states once it enters into force with a sufficient number of parties, regardless of whether non-parties have consented.

(C) Treaties can modify customary international law only if they are unanimously adopted by all members of the UN General Assembly through a formal resolution.

(D) A treaty may displace a rule of customary international law as between the parties by the principle that the more specific rule prevails over the general, but the customary rule continues to bind non-parties; no treaty can displace a norm that has attained *jus cogens* status.

Q6. State A seeks to withdraw from a multilateral environmental treaty that contains no provision governing withdrawal, denunciation, or termination. Under Article 56 of the Vienna Convention on the Law of Treaties, which of the following correctly states the applicable rule?

(A) A right of denunciation or withdrawal may be implied where it is established that the parties intended to admit such a possibility, or where such a right may be implied by the nature of the treaty; in either case, twelve months' advance notice must be given to all other parties.

(B) A treaty that contains no withdrawal clause is absolutely irrevocable, and no state may ever lawfully withdraw from it under any circumstances, regardless of changed conditions.

(C) Any state party may withdraw from any treaty at will by providing ninety days' written notice to the depositary or to all other parties, without any further requirement.

(D) The UN Secretary-General holds a discretionary power to authorize or refuse a state's withdrawal from a treaty in the absence of an express withdrawal clause.

Q7. State B contends that only certain provisions of a treaty it has concluded are vitiated by error and wishes to confine its invalidity claim to those provisions, leaving the remainder of the treaty intact. Under Article 44 of the VCLT, which of the following most accurately states the principle of severability as it applies to grounds of invalidity?

(A) Severability of treaty provisions is never permissible under the VCLT; a treaty must either be upheld in its entirety or terminated altogether, with no intermediate position available to a party.

(B) Severability is permitted in certain defined circumstances, notably where the provisions sought to be separated are distinct from the remainder of the treaty in their application, where the parties' acceptance of those provisions was not an essential basis of their overall consent, and where continued performance of the remaining provisions would not be unjust.

(C) Severability may only be invoked by the mutual written agreement of all parties; unilateral assertion of severability is categorically prohibited and is not recognized by the VCLT.

(D) Under Art. 44 VCLT, severability applies automatically and without further conditions whenever any provision of a treaty is found to conflict with a rule of *jus cogens*.

Q8. Which of the following most precisely distinguishes a "signature subject to ratification" from a "definitive signature" in treaty law under the VCLT?

(A) Both forms of signature create immediate binding treaty obligations on the signatory state from the date of signing; the only difference between them lies in the internal procedural formalities required within the signatory state's legal system.

(B) A definitive signature creates no international obligation whatsoever and serves only as a record of participation in treaty negotiations, while signature subject to ratification creates full treaty obligations from the very date of signing.

(C) A definitive signature binds the state to the treaty with immediate effect upon signing, whereas a signature subject to ratification merely authenticates the text and expresses an intention to be bound in principle, with binding treaty force dependent on the subsequent independent act of ratification.

(D) Signature subject to ratification is reserved for bilateral treaties negotiated through the traditional diplomatic exchange, while definitive signature is used exclusively for multilateral instruments adopted within the framework of international organizations.

Q9. State C has breached a treaty obligation by enacting domestic legislation that directly contradicts its international treaty commitments. State C argues that its constitutional court has declared the relevant treaty provision void under national law, excusing non-performance. Under Article 27 of the Vienna Convention on the Law of Treaties, which of the following statements is correct?

(A) State C is excused from international performance because decisions of its highest constitutional court take precedence over international treaty obligations in a monist constitutional system.

(B) State C's international responsibility depends on whether the other party had prior written notice of the potential constitutional difficulty before the treaty was concluded.

(C) State C may invoke provisions of its internal law as justification for non-performance only where the treaty provision in question relates to the protection of internationally recognized human rights.

(D) A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty; State C therefore remains internationally responsible for the breach regardless of its domestic constitutional position.

Q10. The concept of *erga omnes* obligations, first articulated by the ICJ in *Barcelona Traction, Light and Power Co.* (1970) and subsequently elaborated, refers to obligations owed by a state to the international community as a whole. In the context of treaty law and state responsibility, which of the following most accurately describes the legal significance of an *erga omnes* treaty obligation?

(A) All states have a legal interest in the performance of *erga omnes* treaty obligations, and any state – not merely a classically "injured" state – may invoke responsibility for their breach, as recognized in Articles 48 and 54 of the ILC Articles on State Responsibility (2001).

(B) *Erga omnes* obligations can only arise from customary international law; treaties are inherently bilateral in character and can never generate *erga omnes* obligations.

(C) *Erga omnes* obligations are enforceable exclusively through the Security Council acting under Chapter VII of the UN Charter; individual states have no independent enforcement role.

(D) The concept of *erga omnes* is purely academic and has never been invoked or applied by any international tribunal in a binding judgment.

Q11. In the law of state responsibility, the due diligence standard governs the circumstances in which a state may be held responsible for harm caused by private actors operating on its territory or under its jurisdiction. Which of the following statements best describes how due diligence operates in this context?

(A) A state is strictly and absolutely liable for any harmful act committed by any private individual within its territory, regardless of whether the state took any preventive or remedial measures.

(B) Due diligence requires a state to take all reasonable measures within its power to prevent, investigate, and punish harmful conduct; failure to meet this standard may engage state responsibility for the conduct of private actors even though those actors' acts are not directly attributable to the state.

(C) The due diligence standard applies exclusively in the domain of international environmental law and has no role in the general law of state responsibility for injuries caused to foreign nationals.

(D) A state fully satisfies its due diligence obligation merely by enacting domestic legislation prohibiting the harmful conduct, regardless of whether the legislation is adequately implemented or enforced in practice.

Q12. Articles 20 through 26 of the ILC Articles on State Responsibility (ASR, 2001) enumerate circumstances that preclude the wrongfulness of an act that would otherwise constitute an internationally wrongful act. Which of the following correctly identifies all six circumstances precluding wrongfulness recognized in those articles?

(A) Consent, countermeasures, force majeure, distress, necessity, and self-defense; together these six circumstances exhaust the recognized defences in international law.

(B) Consent, estoppel, force majeure, distress, necessity, and self-defense; estoppel replacing countermeasures as a recognized circumstance in the final ILC text.

(C) Consent, self-defense, countermeasures, force majeure, distress, and necessity; each operates independently and none creates a precedent for the others.

(D) Consent, self-defense, reprisals, force majeure, distress, and acquiescence; reprisals and acquiescence forming the final two categories in the ILC framework.

Q13. Under Article 35 of the ILC Articles on State Responsibility, restitution is recognized as the primary form of reparation for an internationally wrongful act. However, the obligation to make restitution does not apply where certain conditions obtain. Which of the following most accurately identifies the exceptions to the obligation of restitution?

(A) Restitution is not required where the injured state voluntarily elects compensation instead, or where the responsible state has issued a formal diplomatic apology accepted by the injured state.

(B) Restitution is categorically never required in cases involving territorial disputes or boundary delimitation, given the political sensitivity of such matters in international relations.

(C) Restitution is not required if the responsible state can demonstrate that the wrongful act was committed in good faith under a reasonable but mistaken belief in its legality under international law.

(D) Restitution is not required where it is materially impossible, or where it would impose a burden on the responsible state out of all proportion to the benefit derived by the injured state from restitution instead of compensation.

Q14. Article 42 of the ILC ASR defines the "injured state" entitled to invoke responsibility, while Article 48 addresses the standing of states other than injured states. Which of the following most accurately describes the legal distinction between these two categories?

(A) An "injured state" under Art. 42 is one whose individual right has been breached; a state other than an injured state may invoke responsibility under Art. 48 only where the obligation breached is owed to the international community as a whole (*erga omnes*) or to a group of states of which it forms a member (*erga omnes partes*).

(B) An "injured state" is any state that has suffered any quantifiable economic loss; any other state may invoke responsibility only with prior authorization from the UN Security Council.

(C) Both Articles 42 and 48 apply exclusively to disputes between geographically neighbouring states; remote states lacking territorial proximity have no standing under the ILC ASR in any circumstances.

(D) The distinction between injured and non-injured states is irrelevant in practice because international courts automatically grant standing to any state that notifies the registry of its wish to participate in proceedings.

Q15. Under Article 211 of UNCLOS, states are required to establish international rules and standards to prevent, reduce, and control vessel-source pollution. Which of the following most accurately describes the relationship between flag state, port state, and coastal state jurisdiction over such pollution under the UNCLOS framework?

(A) Flag states have exclusive jurisdiction over pollution caused by their vessels anywhere on the oceans; port states and coastal states are expressly prohibited from inspecting, arresting, or instituting proceedings against foreign vessels for environmental violations.

(B) While flag states bear primary responsibility for ensuring vessel compliance with international pollution standards, port states may exercise jurisdiction over foreign vessels voluntarily within their ports for violations committed on the high seas, and coastal states have concurrent enforcement jurisdiction within their exclusive economic zones.

(C) Coastal states have exclusive enforcement jurisdiction over all vessel-source pollution occurring within 200 NM of their coastline, irrespective of the flag state of the offending vessel and regardless of the nature of the violation.

(D) MARPOL obliges all states to apply identical fixed penalties to vessel-source pollution, eliminating any discretion on the part of flag states in establishing the character or severity of enforcement measures.

Q16. Under Article 76(8) of UNCLOS, the Commission on the Limits of the Continental Shelf (CLCS) plays a specific role in the delineation of the outer continental shelf beyond 200 nautical miles. Which of the following most accurately describes the legal effect of CLCS recommendations in this process?

(A) CLCS recommendations are legally binding on the coastal state and automatically delimit the outer continental shelf boundary as a matter of international law, without any further formal act by the coastal state.

(B) CLCS recommendations constitute a final and binding determination of outer continental shelf limits, enforceable against all third states as a matter of treaty law upon their notification by the UN Secretary-General.

(C) CLCS recommendations are based on scientific and technical data submitted by the coastal state; limits established on the basis of those recommendations are "final and binding" under Art. 76(8), but the CLCS has no mandate to adjudicate or resolve overlapping claims between adjacent or opposite states.

(D) CLCS proceedings are entirely optional and a coastal state may unilaterally proclaim its outer continental shelf limits by domestic legislation without any reference to, or endorsement by, the CLCS.

Q17. Under UNCLOS, the exclusive economic zone (EEZ) creates a distinct legal regime balancing the sovereign rights of the coastal state with the freedoms of other states. Which of the following most accurately describes the legal position regarding freedom of navigation within the EEZ?

(A) The EEZ is legally equivalent to the territorial sea; coastal states consequently enjoy full sovereignty therein, including the right to exclude or condition the entry of foreign warships into the zone.

(B) Freedom of navigation within the EEZ is entirely identical to the freedom of navigation applicable on the high seas in all respects; the coastal state has no competence whatsoever with respect to navigation by foreign vessels.

(C) Coastal states may lawfully impose prior notification or authorization requirements for the transit of foreign warships through their EEZ as a settled rule of established customary international law.

(D) Freedom of navigation is preserved in the EEZ under Article 58 of UNCLOS; the coastal state retains sovereign rights over living and non-living resources and may regulate activities incompatible with those rights, but the legality of military activities in the EEZ remains a contested issue under customary international law.

Q18. Article 20 of the Statute of the International Tribunal for the Law of the Sea (ITLOS) addresses the question of access to the Tribunal. Which of the following most accurately describes the extent to which individuals and private entities may access ITLOS proceedings?

(A) Under Article 20(2) of the ITLOS Statute, the Tribunal is open to entities other than states parties in cases expressly provided for in Part XI of UNCLOS – particularly deep seabed mining disputes before the Seabed Disputes Chamber – and in any other case where jurisdiction is conferred by an international agreement.

(B) ITLOS is open to all individuals and corporations on identical terms to states parties, meaning any private person may initiate proceedings before the Tribunal without restriction under UNCLOS.

(C) Individuals and private entities have absolutely no standing before ITLOS under any circumstances whatsoever; only sovereign states that are parties to UNCLOS may appear before the Tribunal.

(D) Private entities may access ITLOS only indirectly, through their state of nationality exercising diplomatic protection on their behalf in full procedural compliance with the Mavrommatis formula.

Q19. When multiple states simultaneously assert criminal jurisdiction over the same individual or the same conduct on the basis of differing heads of jurisdiction (such as territoriality, active nationality, and passive personality), which of the following most accurately describes the international law position regarding resolution of such concurrent claims?

(A) International law prescribes a strict hierarchical priority among the recognized bases of jurisdiction, automatically resolving all concurrent claims in favour of the territorial state as the primary jurisdiction in all circumstances without exception.

(B) International law does not provide a definitive hierarchy for resolving concurrent jurisdiction; states are expected to apply principles of comity and reasonableness and, where available, rely on treaty-based coordination mechanisms such as mutual legal assistance treaties and extradition agreements.

(C) The state that first effects the physical arrest of the individual automatically acquires exclusive jurisdiction, and all other states asserting concurrent claims are immediately obliged to withdraw them.

(D) The UN Security Council holds a general supervisory authority to determine which state shall exercise jurisdiction whenever concurrent jurisdictional claims between member states arise.

Q20. The *SS Lotus* case (PCIJ, 1927) enunciated a broadly permissive principle: states are free to exercise prescriptive jurisdiction unless expressly prohibited by international law. Which of the following most accurately reflects the contemporary status of the *Lotus* principle?

(A) The *Lotus* principle remains fully operative and has been repeatedly and unconditionally affirmed by the ICJ in all its major post-1945 decisions on jurisdictional matters.

(B) The *Lotus* principle was expressly overruled by the ICJ in the *Arrest Warrant* case (DRC v. Belgium, 2002), which held that states may only ever exercise criminal jurisdiction over their own nationals.

(C) The *Lotus* principle has been substantially eroded in contemporary international law through UNCLOS Art. 97 (which reversed the Lotus holding on collision cases on the high seas), the proliferation of treaty-based jurisdictional frameworks, and the growing recognition of a requirement for a genuine connecting link before exercising prescriptive jurisdiction.

(D) The *Lotus* principle was a perfectly accurate and comprehensive statement of customary international law in 1927 and applies without modification to all domains of international jurisdiction today.

Q21. Under the Convention on the Privileges and Immunities of the United Nations (1946), international civil servants enjoy immunity from legal process in respect of their official acts. Which of the following most accurately describes the scope and waivability of this functional immunity?

(A) The functional immunity of UN officials is absolute and is in all respects identical to the full personal immunity enjoyed by heads of diplomatic missions; it attaches permanently and can never be waived by any authority.

(B) Functional immunity covers all acts of a UN official, whether performed in an official or a purely personal capacity, so long as the official holds UN employment at the time the act is carried out.

(C) Functional immunity under the 1946 Convention applies exclusively to acts performed by senior UN officials at the P-5 level and above; junior and general service staff receive no immunity of any description.

(D) Functional immunity under the 1946 Convention covers acts performed in an official capacity; the Secretary-General (or the UN General Assembly in respect of the Secretary-General) may waive this immunity where its maintenance would impede the course of justice and waiver would not prejudice the interests of the United Nations.

Q22. Under Article 6 of the Vienna Convention on Diplomatic Relations (VCDR, 1961), a sending state may accredit a single head of mission or appoint a single member of the diplomatic staff to more than one state simultaneously. Which of the following most accurately describes the conditions applicable to multiple accreditation?

(A) Multiple accreditation is permissible unless any of the receiving states objects; the head of mission may also be permitted to establish a diplomatic mission headed by a *charge d'affaires ad interim* in a state in which the head of mission is accredited but does not reside, with that receiving state's agreement.

(B) Multiple accreditation is absolutely prohibited under the VCDR; each diplomatic mission in every receiving state must be separately headed by a distinct individual holding no dual functions.

(C) Multiple accreditation requires the prior authorization and registration of the proposed arrangement with the UN Secretariat before the sending state may present credentials to any additional receiving state.

(D) Multiple accreditation is permitted exclusively between states that share a common land border and have concluded a specific reciprocal agreement expressly providing for this arrangement.

Q23. Article 41(1) of the VCDR imposes on diplomatic agents the obligation not to interfere in the internal affairs of the receiving state. Which of the following scenarios is most likely to constitute a violation of this obligation?

(A) A diplomatic agent makes a public statement in the receiving state criticizing the foreign policy of the sending state's own government, expressing personal views dissenting from official positions.

(B) A diplomatic agent systematically meets with opposition politicians, covertly channels funds to their electoral campaigns, and directs media communications intended to influence the outcome of elections in the receiving state.

(C) A diplomatic agent attends a cultural festival hosted by an ethnic minority community in the receiving state at the invitation of the organizers, as a private cultural observer.

(D) A diplomatic agent delivers a guest lecture on the receiving state's constitutional law at a private university seminar and engages in academic commentary on judicial decisions.

Q24. Under the Vienna Convention on Consular Relations (VCCR, 1963), when the head of a consular post is unable to carry out consular functions – whether due to absence, incapacity, or death – a succession mechanism applies. Which of the following most accurately describes the procedure for interim management of a consular post under the VCCR?

(A) In the absence of the head of post, the receiving state is entitled to automatically appoint a temporary consul from among its own nationals to manage the post until a permanent successor is designated by the sending state.

(B) The sending state is obliged immediately to close the consular post and evacuate all remaining consular officers whenever the head of post becomes incapacitated, absent, or dies.

(C) Under Article 15 of the VCCR, a consular officer of the same post, or if none is available, a member of the diplomatic staff, may be designated as acting head of consular post on a temporary basis; the name of the acting head must be notified to the competent authority of the receiving state.

(D) Succession to the headship of a consular post is governed exclusively by the internal law of the sending state, with no notification obligation to the receiving state and no requirement of the receiving state's acceptance.

Q25. Article 16 of the Rome Statute empowers the UN Security Council to request the ICC to defer an investigation or prosecution for a renewable period of twelve months. Which of the following most accurately describes the legal framework governing this deferral power?

(A) Any single permanent member of the Security Council may unilaterally defer an ICC investigation or prosecution by exercising its veto right in a procedural vote, without the need for a formal affirmative resolution.

(B) The Security Council's Art. 16 deferral power is unlimited in both scope and duration and may therefore defer an ICC investigation permanently without any possibility of judicial review.

(C) An Art. 16 deferral requires a prior advisory opinion from the ICJ confirming its compatibility with the Rome Statute before the resolution can take legal effect.

(D) An Art. 16 deferral requires adoption of a Security Council resolution acting under Chapter VII of the UN Charter; the deferral operates for an initial twelve-month period and may be renewed indefinitely by further resolutions, but the ICC retains jurisdiction to act if the deferral lapses without renewal.

Q26. International lawyers distinguish between "judicial" and "political" organs of international organizations. Which of the following most accurately identifies the primary legal significance of this distinction in the context of the United Nations system?

(A) Judicial organs such as the ICJ are constitutionally bound to decide cases strictly in accordance with applicable international law and are insulated from political considerations, whereas political organs such as the Security Council and UNGA exercise discretionary powers in which political judgment plays a central role; their decisions carry different legal effects and are subject to different standards of review.

(B) Judicial and political organs of the UN have legally identical powers in all respects because the UN Charter does not draw any normative distinction between them or their respective functions.

(C) Political organs may override decisions of judicial organs whenever they determine that political circumstances require it; there is therefore no genuine judicial independence in the framework of international institutional law.

(D) Only judicial organs may issue legally binding decisions in any form; all decisions and resolutions of political organs constitute mere recommendations carrying no legal force under international law.

Q27. The Convention on the Privileges and Immunities of the United Nations (1946) confers a range of immunities on the Organization and its officials. Which of the following most accurately describes the scope of the UN's immunity from jurisdiction in domestic court proceedings?

(A) The UN enjoys absolute immunity from any form of judicial proceedings in all domestic courts everywhere and cannot be made a defendant in any proceeding for any cause of action under any circumstances.

(B) The UN enjoys immunity from jurisdiction but is obligated under Section 29 of the 1946 Convention to make provision for appropriate modes of settlement of private law disputes to which it is a party; failure to provide adequate alternative dispute resolution does not automatically deprive the UN of its jurisdictional immunity.

(C) UN immunity from domestic courts extends exclusively to claims arising from activities at its New York headquarters; all UN field operations are fully subject to the territorial jurisdiction of the host state where they are conducted.

(D) The UN's immunity is identical in all respects to the sovereign immunity of member states and is therefore subject to the restrictive immunity doctrine, meaning that commercial transactions of the UN are not immune from domestic court jurisdiction.

Q28. Under the UN Charter, the General Assembly exercises important election and appointment functions alongside its deliberative and budgetary roles. Which of the following most accurately describes the UNGA's formal role in the appointment of the UN Secretary-General?

(A) The UNGA independently elects the Secretary-General by a two-thirds majority vote of all members present and voting, without any participation or involvement from the Security Council or any other principal UN organ.

(B) The Secretary-General is appointed directly by the Security Council through a vote requiring nine affirmative votes with no permanent member veto, and the UNGA merely endorses this appointment by acclamation as a ceremonial formality.

(C) Under Article 97 of the UN Charter, the Secretary-General is appointed by the General Assembly upon the recommendation of the Security Council; in practice, the Security Council's recommendation requires the affirmative agreement of all five permanent members, giving the P5 a decisive blocking role through the veto.

(D) The Secretary-General is elected by an absolute majority of all UN member states through a secret ballot organized and conducted by the UN Secretariat, without the formal involvement of either the UNGA or the Security Council in the election process.

Q29. Which of the following most accurately identifies the key distinction between "jurisdiction" and "admissibility" in ICJ proceedings, and the procedural consequences of a successful admissibility objection?

(A) Jurisdiction refers to the substantive merits of the claim being advanced; admissibility refers to the court's basic authority to hear any case whatsoever. A successful admissibility objection results in a declaratory judgment that the respondent has not violated international law.

(B) Jurisdiction and admissibility are effectively synonymous concepts in ICJ practice; a successful challenge to either results in the permanent and irrevocable extinction of the applicant's claim.

(C) Jurisdiction refers to the sovereign right of the state to regulate the subject matter of the dispute under its domestic law; admissibility refers to whether the ICJ has received sufficient documentary information to decide the case on its merits. A successful admissibility objection remits the case to the Security Council for further action.

(D) Jurisdiction concerns the court's authority to hear the particular dispute between these parties; admissibility concerns whether the specific claim is properly before the court at this time (e.g., local remedies not exhausted, claim not yet ripe, or dispute moot). A successful admissibility objection dismisses the case without prejudice to its resubmission once the procedural defect is cured.

Q30. Several ICJ judgments have addressed the question of whether good faith negotiations must precede recourse to international adjudication where a compromissory clause conditions the court's jurisdiction on the failure of negotiations. Which of the following most accurately reflects the ICJ's jurisprudence on this precondition?

(A) Where a compromissory clause conditions jurisdiction on the failure of negotiations, the ICJ has required genuine attempts to negotiate as a precondition to seisin; however, this does not demand negotiations continue indefinitely, and once it is evident that negotiations will not produce a settlement, the procedural condition is satisfied – a principle applied in cases such as *Application of the ICSFT and CERD* (Ukraine v. Russia, 2022).

(B) Good faith negotiations are never a precondition to ICJ jurisdiction; any state may immediately seize the Court under any compromissory clause, regardless of whether any prior diplomatic contact has taken place.

(C) The ICJ has consistently ruled that all interstate disputes must be submitted to compulsory conciliation proceedings before any form of judicial settlement may be initiated, without exception.

(D) Good faith negotiations are a required precondition to ICJ seisin only where the respondent state has expressly requested them in its memorial; absent such a request, the Court proceeds directly to the merits without further inquiry.

Q31. Which of the following most clearly distinguishes interstate arbitration under public international law from international commercial arbitration in terms of applicable law, party standing, and enforcement?

(A) Interstate arbitration and international commercial arbitration are procedurally and substantively identical in all material respects; the only difference between them is the nationality of the parties involved.

(B) Interstate arbitration involves sovereign states as the disputing parties and is governed by public international law rules (including principles of state consent, sovereign equality, and diplomatic protection); commercial arbitration typically involves private parties and is governed by the parties' agreement and the *lex arbitri* of the seat, with awards enforced through the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958).

(C) International commercial arbitration awards are automatically binding on sovereign states under the UN Charter and may be enforced directly against state assets, making separate interstate arbitration mechanisms redundant.

(D) In interstate arbitration, the prevailing state is entitled to seize and liquidate the assets of the losing state without any further legal process or authorization from any international authority.

Q32. Under the law of belligerent occupation as codified in the 1907 Hague Regulations and Geneva Convention IV (1949), which of the following most accurately describes the obligations of an occupying power with respect to the legal order and civilian population of the occupied territory?

(A) An occupying power acquires plenary sovereignty over the occupied territory and may therefore enact any legislation it sees fit, confiscate all public and private property, and dissolve all existing civil institutions as military necessity demands.

(B) An occupying power is obliged to restore public order and safety while applying the domestic law of the occupied territory as it stood before occupation, but may freely derogate from this obligation whenever it deems it convenient for military operations.

(C) The occupying power must, unless absolutely prevented, respect the laws in force in the occupied territory (Art. 43 Hague Regulations) and must not alter the status of public officials or judges; it may not compel the civilian population to swear allegiance to it, and must maintain the fundamental protections of civilians enumerated in Geneva Convention IV.

(D) An occupying power bears no obligations whatsoever under international humanitarian law in respect of the occupied territory unless the occupied state has itself ratified the relevant IHL conventions; occupation law is therefore purely voluntary in character.

Q33. Common Article 3 of the Geneva Conventions (1949) and Additional Protocol I (1977) both address the treatment of persons who have fallen into the power of a party to an armed conflict. Which of the following most accurately describes the absolute character of the prohibition on cruel, inhuman, or degrading treatment in armed conflict?

(A) The prohibition on cruel, inhuman, or degrading treatment applies only in non-international armed conflicts governed by Common Art. 3; in international armed conflicts, limited derogations are permissible upon demonstrating compelling military necessity under Additional Protocol I.

(B) The prohibition may be lawfully suspended for a period not exceeding 72 hours where the detaining power formally demonstrates the existence of an immediate and grave security threat to its military personnel.

(C) The prohibition on cruel, inhuman, or degrading treatment applies only to persons qualifying as "protected persons" under the definition in Geneva Convention IV and has no application to combatants who have not yet laid down their arms.

(D) The prohibition on cruel, inhuman, or degrading treatment is absolute and non-derogable in all armed conflicts, whether international or non-international; it reflects customary international law, admits no military necessity exception, and is confirmed as Rule 90 of the ICRC Customary IHL Study.

Q34. Under Article 47 of Additional Protocol I to the Geneva Conventions (1977), mercenaries are excluded from combatant status and therefore from entitlement to prisoner of war (POW) status. Which of the following most accurately identifies the cumulative criteria required to classify an individual as a mercenary under Art. 47?

(A) Under Art. 47(2) AP I, all six criteria must be satisfied simultaneously: special recruitment to fight in the armed conflict; actual direct participation in hostilities; essential motivation by private gain at a rate substantially exceeding that paid to comparable combatants of a party; not being a national or resident of a party to the conflict;

not being a member of a party's armed forces; and not being sent on official duty by a non-party state – the cumulative and conjunctive nature of this definition makes classification as a mercenary notoriously difficult to establish in practice.

(B) Any foreign national who engages in combat for financial remuneration is automatically classified as a mercenary under Art. 47 AP I, irrespective of whether any other criterion is satisfied.

(C) Private military contractors operating under a formal government contract are never classifiable as mercenaries because their contractual state affiliation satisfies the nationality criterion of Art. 47(2)(d) in all circumstances.

(D) Mercenaries are fully protected by the Geneva Conventions as civilians, since they are not members of any state's armed forces; their sole legal distinction from ordinary civilians is their exclusion from POW status.

Q35. Article 4 of the International Covenant on Civil and Political Rights (ICCPR, 1966) permits states parties to derogate from certain Covenant provisions in time of public emergency. Which of the following most accurately identifies the cumulative procedural and substantive requirements for a valid Art. 4 derogation?

(A) Derogation is permissible at any time a state party determines that circumstances require extraordinary measures; there are no substantive limitations on which ICCPR rights may be suspended or for how long.

(B) Under Art. 4 ICCPR: a public emergency threatening the life of the nation must be officially proclaimed; measures must be strictly required by the exigencies of the situation; they must not be inconsistent with other international law obligations; and they must not involve discrimination on prohibited grounds; certain rights (Arts. 6, 7, 8(1)–(2), 11, 15, 16, 18) are absolutely non-derogable; and immediate notification must be given to other states parties through the UN Secretary-General.

(C) Any state confronting an armed military attack may suspend the entire ICCPR for the duration of hostilities by notifying the Security Council under Art. 51 of the UN Charter.

(D) Derogation from the ICCPR is automatically triggered upon a formal declaration of war and requires no notification to any international body or other states parties.

Q36. The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) obliges states to achieve the progressive realization of enumerated rights to the maximum of available resources. Which of the following most accurately reflects the contemporary understanding of the justiciability of ICESCR rights?

(A) Economic, social, and cultural rights are categorically and inherently non-justiciable and can never under any circumstances be enforced through any judicial or quasi-judicial mechanism at either the international or domestic level.

(B) ICESCR rights are in all respects entirely equivalent to civil and political rights in terms of their justiciability; states bear identical immediate obligations to fully realize each enumerated right without qualification by resource constraints.

(C) While the ICESCR imposes an obligation of progressive realization subject to available resources, the Committee on Economic, Social and Cultural Rights has identified minimum core obligations that are immediately applicable; many states have rendered ICESCR rights justiciable domestically, and the Optional Protocol to the ICESCR (2008) provides an individual communications mechanism, confirming that these rights are not inherently non-justiciable.

(D) The Optional Protocol to the ICESCR grants individuals the right to bring individual communications only against states that have also ratified all applicable ILO conventions on labour rights and economic standards.

Q37. The traditional Montevideo criteria for statehood (permanent population, defined territory, effective government, and capacity to enter into international relations) face particular doctrinal challenges when applied to "failed" or "collapsed" states such as Somalia in the early 1990s. Which of the following most accurately describes the international legal position regarding the statehood of a failed state?

(A) A failed state automatically loses its international legal personality and ceases to exist as a state as soon as it can no longer exercise effective governmental control over any part of its claimed territory.

(B) The UN Security Council may formally revoke a state's statehood through a binding Chapter VII resolution where it has determined that total governmental collapse has occurred and the state can no longer function.

(C) Failed states revert to the status of *terra nullius* and become available for occupation by neighbouring states or regional organizations exercising the right of effective occupation under general international law.

(D) Under the continuity doctrine, a state retains its international legal personality despite total collapse of effective government; once admitted to the international community, a state's legal existence persists regardless of governmental dysfunction, and international obligations continue to accrue to it.

Q38. The Vienna Convention on Succession of States in Respect of State Property, Archives and Debts (1983), though not widely ratified, is regarded as reflecting or codifying customary rules in certain areas. Which of the following most accurately states the general rule applicable to succession to the archives of the predecessor state in cases of dissolution?

(A) Under Article 28 of the 1983 Convention, archives of the predecessor state necessary for the normal administration of the successor state's territory pass to that successor state; in cases of dissolution of the predecessor state, archives pertaining to a given territory pass to the successor of that territory, while other archives are divided equitably among the successor states.

(B) State archives never pass to any successor state; they remain the permanent and inalienable property of the predecessor state's national community wherever it may subsequently reside or be located.

(C) A successor state automatically acquires the entirety of the predecessor state's archives, including diplomatic archives and records held in third states, without any obligation to provide copies or access to co-successor states.

(D) Succession to state archives is governed exclusively by bilateral agreement between the predecessor and successor states; no rules of customary international law exist in this area, and no multilateral convention framework applies.

Q39. The Paris Agreement (2015) introduces a regime of Nationally Determined Contributions (NDCs) as the primary mechanism for climate action by states parties. Which of the following most accurately describes the legally binding character of NDC commitments under the Agreement?

(A) NDCs are fully binding obligations under the Paris Agreement; each state party is internationally responsible under general international law for achieving the specific quantitative emissions reduction targets contained in its NDC.

(B) Under the Paris Agreement, the obligation to communicate, register, and maintain an NDC and to pursue domestic measures aimed at achieving it is legally binding; however, the achievement of the particular targets set out in each state's NDC is not itself a hard legal obligation – each state selects its own targets and there is no compliance mechanism imposing penalties for failure to achieve them.

(C) The Paris Agreement creates no binding obligations of any kind for any of its parties; it is purely a political declaration of intent with no legal standing under international law and generates no legal consequences.

(D) States that fail to achieve their stated NDC targets are subject to automatic financial penalties administered by the UNFCCC Secretariat and the Green Climate Fund in accordance with a formula prescribed by the Paris Committee on Implementation.

Q40. The UN General Assembly adopted the Definition of Aggression by consensus as Resolution 3314 (XXIX) in 1974, intended to guide the Security Council in its determination of acts of aggression under Article 39 of the UN Charter. Which of the following most accurately describes the legal significance of this definition in contemporary international law?

(A) Resolution 3314 is a binding Security Council resolution that automatically triggers collective security obligations for all UN member states whenever any organ or court formally identifies an act of aggression within its terms.

(B) Resolution 3314 has been incorporated verbatim into the Rome Statute through the Kampala Amendments and now forms the sole, exclusive basis for individual criminal responsibility for the crime of aggression under international criminal law.

(C) Resolution 3314 provides an authoritative but non-binding guide for the Security Council in characterizing acts of aggression; it defines aggression as the use of armed force by one state against the sovereignty, territorial integrity, or political independence of another, enumerates specific acts constituting aggression, and preserves the Security Council's discretion to determine whether a given act constitutes aggression in any particular case.

(D) The UNGA Definition of Aggression has been entirely superseded by the Kampala Amendments to the Rome Statute (2010) and consequently no longer carries any independent legal significance in contemporary international law or practice.

Detailed Solutions

Q1.

Solution

Concept — Codification vs. Progressive Development: The ILC Statute (Art. 15) distinguishes codification – the more precise formulation and systematization of rules where substantial state practice and *opinio juris* already exist – from progressive development, which elaborates new rules in areas where law is nascent. In practice the ILC blends both, but the distinction retains conceptual significance.

Analysis: Option (D) correctly identifies the definitional standard in Art. 15 of the ILC Statute: codification operates on pre-existing practice; progressive development operates on unsettled or emerging law. This distinction was confirmed in the ILC's own reports and commentary on draft articles across projects such as the VCLT and the ASR.

Why other options are wrong:

- Option A: Codification is not limited to treaty drafting; it may also take the form of model rules or declarations. Progressive development is not merely restatement.
- Option B: Both codification and progressive development can be embodied in binding treaties or non-binding instruments; the distinction is not about binding force.
- Option C: While the line is often blurred in practice, the ILC Statute articulates distinct meanings and the ILC's own commentary acknowledges and applies the difference.

Final Answer: Codification systematizes existing law; progressive development creates new law $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q1

Q2.

Solution

Concept — Soft Law vs. Hard Law: "Soft law" refers to instruments such as UN General Assembly resolutions, codes of conduct, and guidelines that lack binding force but exert normative influence on state behaviour, treaty interpretation, and the formation of customary international law.

Analysis: Option (A) accurately captures the dual significance of soft law: while not legally binding per se, such instruments may crystallize into customary international law through state practice and *opinio juris*, and international courts regularly reference them when interpreting binding instruments – as demonstrated by ICJ reliance on UNGA resolutions in *Nicaragua* (1986) and other cases.

Why other options are wrong:

- Option B: Soft law instruments are by definition not equivalent to treaties in binding force; the procedural distinction (committee adoption vs. treaty ratification) is secondary.
- Option C: Customary international law is hard law, not soft law, because it is legally binding on all states subject to the persistent objector rule.
- Option D: International courts do in fact consider non-binding instruments; the ICJ and WTO Appellate Body have both relied on soft law as context for interpretation.

Final Answer: Soft law lacks binding force but may crystallize into custom and inform interpretation $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q2

Q3.

Solution

Concept — *Jus Cogens* and Treaty Invalidity: Article 53 of the VCLT provides that a treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm (*jus cogens*) of general international law. The prohibition on torture is universally recognized as a *jus cogens* norm.

Analysis: Option (B) is correct. Since the prohibition of torture is a non-derogable *jus cogens* norm, a treaty permitting the delivery of POWs to a party that will torture them is void *ab initio* under Art. 53 VCLT, regardless of the express consent of both parties. This was affirmed in *Questions relating to the Obligation to Prosecute or Extradite* (Belgium v. Senegal, ICJ 2012) and confirmed in the ILC's work on *jus cogens* (2022).

Why other options are wrong:

- Option A: State freedom to conclude treaties is not absolute; Art. 53 VCLT expressly limits treaty-making freedom where *jus cogens* norms are implicated.
- Option C: A *jus cogens* conflict renders a treaty void, not merely voidable; moreover, the right to challenge arises from the nature of the norm, not

from third-party petition alone.

- Option D: A treaty conflicting with *jus cogens* is void; the question of effects on third states is distinct from and secondary to the question of validity between the parties.

Final Answer: Treaty permitting torture is void *ab initio* under Art. 53 VCLT as *jus cogens* violation $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q3

Q4.

Solution

Concept — Subsequent Practice as Interpretive Tool (Art. 31(3)(b) VCLT): Article 31(3)(b) VCLT elevates subsequent practice to a primary means of treaty interpretation alongside text and context. The ILC Study Group on Treaties over Time (2013) and the ILC's Draft Conclusions on Subsequent Agreements and Subsequent Practice (2018) have clarified the conditions for qualifying practice.

Analysis: Option (C) is correct. The ILC Draft Conclusion 9 requires that practice under Art. 31(3)(b) be "concordant, common and consistent"; it must reflect agreement among the parties regarding interpretation, not simply isolated acts. This requirement was applied by the ICJ in *Kasikili/Sedudu Island* (1999) and the WTO Appellate Body in multiple reports.

Why other options are wrong:

- Option A: Acts by a single party do not constitute subsequent practice establishing agreement; the concordance of multiple parties is required.
- Option B: Subsequent practice is not limited to formal diplomatic correspondence; it encompasses any acts in the application of the treaty, including parliamentary acts, administrative decisions, and statements.
- Option D: There is no requirement that the treaty text be entirely silent or that the ILC formally identify a gap; subsequent practice is a general interpretive tool applicable alongside textual analysis.

Final Answer: Subsequent practice must be concordant, common, and consistent among the parties $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q4

Q5.

Solution

Concept — Treaty Modification of Customary International Law: International law does not establish a rigid hierarchy between treaty and custom as sources; either may supersede the other between parties. However, *jus cogens* norms stand apart as peremptory norms that no treaty or custom can derogate from.

Analysis: Option (D) correctly states the applicable principle. Under the *lex specialis* maxim, a treaty provision may displace a prior customary rule as between the parties (e.g., UNCLOS Art. 97 displacing the Lotus customary rule on collision jurisdiction). The customary rule nonetheless binds non-parties, and *jus cogens* norms are entirely immune from treaty derogation under Art. 53 VCLT.

Why other options are wrong:

- Option A: Custom and treaty are co-equal sources under Art. 38 ICJ Statute; neither is categorically superior.
- Option B: A treaty modifies customary law only as between parties; non-parties remain bound by the customary rule.
- Option C: Unanimous UNGA adoption is not a recognized requirement for treaty modification of custom; the VCLT imposes no such condition.

Final Answer: Treaties displace custom *inter partes*; non-parties and *jus cogens* remain unaffected $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q5

Q6.

Solution

Concept — Denunciation Absent a Withdrawal Clause (Art. 56 VCLT): Article 56(1) of the VCLT provides that a treaty which contains no provision regarding termination, denunciation, or withdrawal is not subject to denunciation unless: (a) the parties intended to admit such a possibility; or (b) a right of denunciation or withdrawal may be implied by the nature of the treaty. Article 56(2) requires twelve months' prior notice.

Analysis: Option (A) correctly recites Art. 56 VCLT. The ICJ applied this provision in the *Advisory Opinion on the Legality of the Use of Nuclear Weapons* and the *Gabcikovo-Nagymaros Project* case. The twelve-month notice requirement under Art. 56(2) is mandatory once a right of withdrawal is established.

Why other options are wrong:

- Option B: Art. 56(1) expressly contemplates implied withdrawal rights, so not all treaties without a clause are irrevocable.
- Option C: The VCLT does not provide a general right of withdrawal on ninety days' notice; Art. 56 conditions withdrawal on one of two specific grounds and requires twelve months' notice.
- Option D: The UN Secretary-General acts as depositary but has no discretionary power to authorize or deny treaty withdrawal.

Final Answer: Art. 56 VCLT: implied right of withdrawal where parties so intended or nature permits; twelve months' notice required $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q6

Q7.

Solution

Concept — Severability of Treaty Provisions (Art. 44 VCLT): Article 44 VCLT sets out the conditions under which invalidity may be confined to specific provisions rather than the whole treaty. Severability protects the reasonable expectations of parties who may have accepted vitiated provisions as an incidental part of a larger bargain.

Analysis: Option (B) accurately reflects Art. 44(3) VCLT, which permits severability where: (i) the provisions are separable from the remainder with regard to their application; (ii) it appears from the treaty or is otherwise established that acceptance of those provisions was not an essential basis of the consent of the other party or parties; and (iii) continued performance of the remainder would not be unjust. This analysis was considered in ILC commentary and applied in the *Fisheries Jurisdiction* cases.

Why other options are wrong:

- Option A: Art. 44 expressly provides for partial invalidity in defined circumstances; an absolute rule against severability does not exist.
- Option C: Art. 44(3) does not require mutual agreement; the conditions are substantive, not procedural, and a party may invoke them unilaterally subject to the dispute settlement mechanism.
- Option D: Art. 44(5) actually provides the contrary: where invalidity arises from *jus cogens* under Art. 53, the whole treaty is void and severability does not apply.

Final Answer: Severability permitted where provisions are separable and continued performance of remainder is not unjust $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q7

Q8.

Solution

Concept — Signature Subject to Ratification vs. Definitive Signature: Under the VCLT (Arts. 12, 14), states may express consent to be bound by signature alone (definitive signature) or by signature followed by ratification. The distinction determines when treaty obligations become binding on the state.

Analysis: Option (C) correctly draws the distinction. Definitive signature under Art. 12 VCLT creates immediate binding treaty obligations. Signature subject to ratification (Art. 14) authenticates the text and indicates an intention to be bound in principle, but binding force attaches only upon the deposit of the instrument of ratification. Many constitutions require parliamentary approval before ratification, creating a gap between signature and binding effect.

Why other options are wrong:

- Option A: A signature subject to ratification does not create immediate binding treaty obligations; it is an intermediate step pending ratification.
- Option B: It is the definitive signature, not the signature subject to ratification, that creates immediate obligations; the characterization in option B reverses the correct positions.
- Option D: The VCLT draws no distinction based on the bilateral or multilateral character of the treaty for the purposes of the signature-ratification distinction.

Final Answer: Definitive signature binds immediately; signature subject to ratification binds only upon ratification $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q8

Q9.

Solution

Concept — Internal Law No Excuse for Non-Performance (Art. 27 VCLT): Article 27 VCLT codifies a foundational principle of international law: a party may not invoke the provisions of its internal law as justification for non-performance of a treaty. This reflects the primacy of international obligations over domestic constitutional arrangements.

Analysis: Option (D) correctly states the rule in Art. 27 VCLT. The ICJ applied this principle in *Treatment of Polish Nationals in Danzig* (PCIJ 1932), *Avena* (2004), and *LaGrand* (2001), each time holding that domestic law – including constitutional law – cannot excuse treaty breach. Art. 46 VCLT provides a narrow exception for manifest violations of internal law of fundamental importance, but this applies only to the initial formation of consent, not ongoing performance.

Why other options are wrong:

- Option A: Neither monism nor dualism changes the international law position; whatever the domestic constitutional framework, the state remains internationally responsible for the breach.
- Option B: The obligation in Art. 27 is unconditional; prior notice of constitutional difficulties does not modulate the international responsibility arising from breach.
- Option C: Art. 27 contains no exception for human rights treaty provisions; the rule applies to all treaty obligations regardless of subject matter.

Final Answer: Art. 27 VCLT: internal law, including constitutional decisions, cannot justify non-performance of treaties $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q9

Q10.

Solution

Concept — *Erga Omnes* Treaty Obligations: The ICJ in *Barcelona Traction* (1970) distinguished obligations owed *erga omnes* (to all) from those owed *inter partes*. Articles 48 and 54 of the ILC ASR formalize the standing of non-injured states to invoke responsibility for *erga omnes* breaches.

Analysis: Option (A) is correct. Art. 48(1)(b) ILC ASR permits any state to invoke responsibility for breach of an obligation owed to the international community as a whole. Art. 54 allows any state to take lawful countermeasures to induce cessation of such breaches. This was applied in *Belgium v. Senegal* (2012), where Belgium invoked responsibility for breach of the obligation to prosecute or extradite, an *erga omnes partes* obligation under the CAT.

Why other options are wrong:

- Option B: *Erga omnes* obligations can arise from multilateral treaties as well as from customary law; the ICJ confirmed treaty-based *erga omnes* obligations in *Reservations to the Genocide Convention* (1951).

- Option C: Enforcement of *erga omnes* obligations is not exclusively a Security Council prerogative; individual states have standing under Arts. 48 and 54 ILC ASR.
- Option D: The *erga omnes* concept has been applied in numerous binding ICJ judgments, including *East Timor* (1995) and *Belgium v. Senegal* (2012).

Final Answer: All states have legal interest in *erga omnes* obligations; any state may invoke responsibility under Arts. 48, 54 ILC ASR $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q10

Q11.

Solution

Concept — Due Diligence in State Responsibility: Due diligence is an objective, contextual standard requiring states to exercise reasonable care to prevent harm by private actors. It does not impose strict liability but requires states to take genuine preventive, investigative, and punitive action.

Analysis: Option (B) is correct. The ICJ articulated the due diligence standard in *Corfu Channel* (1949), requiring Albania to warn ships of the danger it knew about. In *Nicaragua v. USA* (1986), the Court applied due diligence to the question of effective control. The ILC Commentary to Arts. 4–11 ASR and the ILC Draft Articles on Prevention of Transboundary Harm also confirm due diligence as the appropriate standard for private actor conduct.

Why other options are wrong:

- Option A: Strict absolute liability for private actor conduct is not the general rule in international law; due diligence, not strict liability, is the standard for state responsibility in this context.
- Option C: Due diligence applies across multiple areas of state responsibility, including treatment of aliens, environmental harm, and protection of diplomatic premises, not solely in environmental law.
- Option D: Enacting legislation without enforcement is insufficient; the standard requires effective implementation and genuine efforts to prevent and remedy harm.

Final Answer: Due diligence requires reasonable preventive, investigative, and punitive measures; failure may engage state responsibility $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q11

Q12.

Solution

Concept — Circumstances Precluding Wrongfulness (Arts. 20–26 ILC ASR): The ILC ASR (2001) enumerates exactly six circumstances in Arts. 20–26: consent (Art. 20), self-defense (Art. 21), countermeasures (Art. 22), force majeure (Art. 23), distress (Art. 24), and necessity (Art. 25). These are not defences to the existence of the obligation but preclude wrongfulness in defined circumstances.

Analysis: Option (C) correctly lists all six: consent, self-defense, countermeasures, force majeure, distress, and necessity. Each corresponds to a distinct article (Arts. 20–25, respectively), and Art. 26 cross-cuts all six by providing that none of them precludes wrongfulness if the act in question conflicts with a *jus cogens* norm.

Why other options are wrong:

- Option A: Self-defense is listed as the sixth circumstance but countermeasures is listed second – the list in option A omits self-defense as a separately listed circumstance and rearranges the list incorrectly.
- Option B: Estoppel is not a recognized circumstance precluding wrongfulness under the ASR; it is a procedural doctrine applicable in litigation.
- Option D: Reprisals in the traditional sense (forcible) are not a distinct category in the ASR; countermeasures (non-forcible) replaced reprisals. Acquiescence is also not listed.

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

$\boxed{\text{Answer: (C)}}$ Go Back to Q12

Q13.

Solution

Concept — Restitution as Primary Remedy (Art. 35 ILC ASR): Article 35 ILC ASR provides that a state responsible for an internationally wrongful act is obliged to make restitution (re-establishing the situation that existed before the wrongful act) except in two defined circumstances.

Analysis: Option (D) correctly identifies the two exceptions in Art. 35: (a) material impossibility of restitution; and (b) disproportionate burden – where the burden on the responsible state of making restitution would be wholly disproportionate to the benefit to the injured state compared to compensation. The ICJ confirmed restitution as the primary remedy and these exceptions in *Factory at Chorzow* (PCIJ 1928) and in *Avena* (2004).

Why other options are wrong:

- Option A: The election of compensation by the injured state is not a recognized exception in Art. 35; the injured state's preference alone does not extinguish the primary obligation to make restitution. An apology has no legal effect on the duty.
- Option B: There is no categorical exclusion of restitution in territorial or boundary disputes; the nature of the dispute does not determine the form of reparation.
- Option C: Good faith in commission of the wrongful act does not excuse the failure to make restitution; the circumstances precluding wrongfulness under Arts. 20–25 are exhaustive.

Final Answer: Restitution not required where materially impossible or disproportionately burdensome relative to compensation $\Rightarrow \boxed{\text{D}}$

Answer: (D) **Go Back to Q13**

Q14.

Solution

Concept — Injured and Non-Injured States (Arts. 42 and 48 ILC ASR): Article 42 defines the "injured state" as one to which the obligation breached is owed individually, or which is specially affected within a group of states, or whose performance of the obligation is radically changed by the breach. Article 48 extends standing to all other states for *erga omnes* or *erga omnes partes* obligations.

Analysis: Option (A) precisely captures the distinction. Art. 42 protects individually affected states; Art. 48 grants standing to non-injured states for community obligations. The ICJ applied this framework in *Belgium v. Senegal* (2012), holding that all CAT parties (not just injured states) could invoke responsibility for the failure to prosecute or extradite Hissene Habre.

Why other options are wrong:

- Option B: The definition of "injured state" in Art. 42 is not limited to states suffering economic loss; legal injury to rights suffices. Security Council authorization is not required for Art. 48 invocation.
- Option C: The ILC ASR applies universally; geographical proximity is irrelevant to standing under Arts. 42 or 48.

- Option D: International courts apply strict standing rules; standing is not automatic for any state wishing to participate; Art. 34 ICJ Statute limits proceedings to states.

Final Answer: Injured state has individually breached right; non-injured state under Art. 48 invokes *erga omnes* or *erga omnes partes* obligations $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q14

Q15.

Solution

Concept — Vessel-Source Pollution Jurisdiction under UNCLOS: UNCLOS establishes a layered jurisdictional framework: flag state jurisdiction (Arts. 94, 217), coastal state jurisdiction in the EEZ (Art. 220), and port state jurisdiction (Arts. 218–219). MARPOL sets the international standards to which vessels must conform.

Analysis: Option (B) correctly describes the multi-tiered scheme. Flag states bear primary enforcement responsibility (Art. 217). Port states may investigate and prosecute discharges on the high seas if the vessel is voluntarily in their port (Art. 218). Coastal states may act in their EEZ for violations occurring therein (Art. 220). The M/V *SAIGA* cases and the *Camouco* case before ITLOS confirmed these jurisdictional layers.

Why other options are wrong:

- Option A: UNCLOS expressly grants port and coastal states concurrent enforcement jurisdiction; flag state jurisdiction is primary but not exclusive.
- Option C: Coastal state enforcement jurisdiction in the EEZ is concurrent with flag state jurisdiction, not exclusive.
- Option D: MARPOL sets minimum standards but allows flag states and port states discretion in penalty regimes above that minimum; identical penalties are not mandated.

Final Answer: Flag state primary responsibility; port state may act for high-seas discharges; coastal state acts in EEZ $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q15

Q16.

Solution

Concept — CLCS Recommendations and Outer Continental Shelf (Art. 76(8) UNCLOS): The CLCS reviews scientific and technical submissions from coastal states and issues recommendations. Under Art. 76(8), limits established "on the basis of" CLCS recommendations are "final and binding." However, the CLCS has no dispute settlement mandate.

Analysis: Option (C) is correct. The CLCS makes technical recommendations; it is the coastal state that formally establishes the outer limit by submitting information to the Secretary-General (Art. 76(9)). The CLCS is explicitly precluded from making recommendations where land or maritime disputes exist (Rule 46, Annex I, CLCS Rules of Procedure), confirming its non-adjudicative character. Overlapping claims between states must be resolved separately through negotiation or judicial settlement.

Why other options are wrong:

- Option A: CLCS recommendations are not self-executing; the coastal state must formally establish the limits through a domestic process.
- Option B: CLCS recommendations are not binding on third states; they are binding only in the sense that the limits established on their basis acquire "final and binding" status under Art. 76(8).
- Option D: UNCLOS Art. 76 and Annex II create a mandatory submission and review process for states wishing to assert rights beyond 200 NM; unilateral declaration without CLCS review does not produce "final and binding" limits.

Final Answer: CLCS makes scientific recommendations; limits based on them are final and binding, but CLCS cannot resolve overlapping claims $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q16

Q17.

Solution

Concept — Freedom of Navigation in the EEZ (Art. 58 UNCLOS): Article 58(1) UNCLOS explicitly preserves freedom of navigation and overflight in the EEZ. However, the EEZ is not the high seas; the coastal state has sovereign rights over resources (Art. 56) and the regime of the high seas applies only to the extent compatible with Part V of UNCLOS.

Analysis: Option (D) accurately describes the dual-character EEZ framework.

Freedom of navigation is preserved but is not absolute; it coexists with coastal state resource rights and jurisdiction. Military activities in the EEZ remain disputed: the USA and other naval powers assert a right to conduct military operations; China and several other coastal states assert the right to regulate or exclude them. This controversy is reflected in legal scholarship and state practice without a definitive customary resolution.

Why other options are wrong:

- Option A: The EEZ is not the territorial sea; the coastal state does not have sovereignty in the EEZ, only sovereign rights over resources and certain jurisdiction.
- Option B: The EEZ is a distinct legal regime, not the high seas; the coastal state retains specific rights not available on the high seas.
- Option C: Prior notification or authorization requirements for warships in the EEZ are asserted by some states but are rejected by the majority of maritime powers and are not established customary law.

Final Answer: Freedom of navigation preserved in EEZ under Art. 58; coastal state has resource rights; military activities remain contested $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q17

Q18.

Solution

Concept — Private Party Access to ITLOS (Art. 20 ITLOS Statute): Unlike the ICJ, which is exclusively open to states (Art. 34 ICJ Statute), ITLOS may in certain circumstances be accessed by non-state entities, particularly through the Seabed Disputes Chamber.

Analysis: Option (A) is correct. Article 20(2) of the ITLOS Statute provides that the Tribunal is open to entities other than states parties in "any case submitted pursuant to any other agreement conferring jurisdiction on the Tribunal which is accepted by all the parties to that case." More importantly, the Seabed Disputes Chamber under Annex VI, Art. 37 is open to states parties, the International Seabed Authority, and private entities ("natural or juridical persons") sponsoring deep seabed mining activities under Part XI UNCLOS.

Why other options are wrong:

- Option B: Unrestricted access for all individuals and corporations does not exist under UNCLOS; access is confined to specific Part XI proceedings and treaty-based arrangements.

- Option C: Art. 20(2) expressly provides for non-state access in defined circumstances; absolute exclusion of private parties is incorrect.
- Option D: Diplomatic protection is a distinct mechanism involving the state espouses the claim; the Seabed Disputes Chamber allows direct access without state espousal.

Final Answer: Art. 20(2) ITLOS Statute opens Tribunal to non-state entities under Part XI UNCLOS and agreement-based jurisdiction $\Rightarrow \boxed{\text{A}}$

Answer: (A) **Go Back to Q18**

Q19.

Solution

Concept — Concurrent Criminal Jurisdiction and Duty to Cooperate: International law recognizes multiple heads of criminal jurisdiction – territoriality, nationality, passive personality, protective principle, and universality – but does not establish a definitive hierarchy among them. States manage concurrent claims through treaty-based mechanisms and comity.

Analysis: Option (B) is correct. The ILC's work on the immunity of state officials from foreign criminal jurisdiction and instruments such as the Harvard Draft Convention on Jurisdiction (1935) confirm that there is no universal ranking of jurisdictional bases. States rely on MLATs, extradition treaties, and bilateral diplomatic arrangements to coordinate. The EU instruments (e.g., Framework Decision on the European Arrest Warrant) provide a regional example of treaty-based coordination.

Why other options are wrong:

- Option A: International law does not impose a strict hierarchy; while territorial jurisdiction is often treated as primary in practice, it is not an absolute rule displacing all other bases.
- Option C: Priority of arrest as a basis of exclusive jurisdiction is not a recognized rule of international law; it may be relevant as a practical factor in inter-state negotiations.
- Option D: The Security Council has no general supervisory authority over jurisdictional conflicts between states in ordinary criminal matters; such authority is confined to specific Chapter VII contexts.

Final Answer: No definitive hierarchy exists; states apply comity, reasonableness, and treaty coordination mechanisms $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q19

Q20.

Solution

Concept — Contemporary Status of the *Lotus* Principle: The PCIJ in *SS Lotus* (1927) held that states enjoy wide freedom to exercise jurisdiction absent a prohibitive rule. This broad permissivism has been significantly qualified by subsequent treaty law and judicial practice.

Analysis: Option (C) is correct. UNCLOS Art. 97 directly reversed the Lotus holding for collision cases, providing that penal proceedings may only be instituted by the flag state or state of which the accused is a national. The ICJ in *Arrest Warrant* (2002) and *Germany v. Italy* (2012) has emphasized connecting links. The ILC's work on immunity and jurisdictional questions reflects a move toward requiring genuine connections. Legal scholars widely regard Lotus as a statement of an earlier era now overtaken by treaty and institutional developments.

Why other options are wrong:

- Option A: The ICJ has not unconditionally reaffirmed Lotus; it has applied more nuanced standards requiring a genuine connection.
- Option B: *Arrest Warrant* did not overrule Lotus or restrict jurisdiction to nationals; it addressed immunity of ministers, not the Lotus principle as such.
- Option D: The Lotus principle in its broad form is no longer universally accepted; the treaty-based erosion and shift in practice since 1927 are well documented.

Final Answer: *Lotus* substantially eroded by UNCLOS Art. 97, treaty proliferation, and requirement of genuine connecting link $\Rightarrow \boxed{C}$

Answer: (C) Go Back to Q20

Q21.

Solution

Concept — Functional Immunity of UN Officials (1946 Convention): Section 18 of the 1946 Convention grants UN officials immunity from legal process in respect of words spoken or written and all acts performed in their official capacity. This functional immunity differs from the personal immunity of diplomats.

Analysis: Option (D) correctly states the scope and waiver mechanism. Functional immunity attaches only to official acts, not personal conduct. Under Section 20, the Secretary-General may waive the immunity of any official (and the General Assembly the immunity of the Secretary-General) where immunity would impede justice and waiver would not prejudice UN interests. The ICJ confirmed this framework in *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights* (1999 Advisory Opinion).

Why other options are wrong:

- Option A: Functional immunity is narrower than diplomatic immunity; it is limited to official acts and is waivable; it does not attach permanently or absolutely.
- Option B: Personal conduct is not covered by functional immunity; the immunity is tied to the character of the act, not the employment relationship.
- Option C: The 1946 Convention does not restrict functional immunity to P-5 officials; all UN staff enjoy immunity for official acts under Section 18.

Final Answer: Functional immunity covers official acts; Secretary-General may waive where justice requires and UN interests not prejudiced $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q21

Q22.

Solution

Concept — Multiple Accreditation under Art. 6 VCDR: Article 6 VCDR permits multiple accreditation – the appointment of a single diplomat to represent the sending state in more than one receiving state – subject to the absence of objection by receiving states.

Analysis: Option (A) correctly states the rule in Art. 6 VCDR. Multiple accreditation is generally permissible without special conditions beyond the absence of objection from any receiving state. The diplomat may establish a mission in a state where the diplomat is accredited but does not physically reside, subject to that state's consent. This practice is common for small states with limited diplomatic resources, enabling one ambassador to be resident in one country while accredited to several others.

Why other options are wrong:

- Option B: The VCDR does not prohibit multiple accreditation; Art. 6 expressly provides for it.
- Option C: There is no requirement for UN Secretariat authorization; the VCDR is a bilateral instrument and the UN has no administrative role in accreditation arrangements.
- Option D: The VCDR draws no geographic limitation; multiple accreditation is not confined to neighbouring or border-sharing states.

Final Answer: Art. 6 VCDR: multiple accreditation permissible absent receiving state objection; non-resident mission permitted with consent $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q22

Q23.

Solution

Concept — Non-Interference Obligation under Art. 41(1) VCDR: Article 41(1) VCDR obliges diplomatic agents to respect the laws and regulations of the receiving state and not to interfere in its internal affairs. Covert political funding and electoral interference are paradigmatic violations.

Analysis: Option (B) clearly describes conduct violating Art. 41(1). Covert funding of political parties, directing electoral communications, and meeting with opposition politicians to influence elections constitute direct interference in the receiving state's domestic political processes. Such conduct has led to expulsions of diplomats and severing of diplomatic relations historically.

Why other options are wrong:

- Option A: Criticizing one's own government's policies is an exercise of free expression and does not interfere in the internal affairs of the receiving state.
- Option C: Attending a cultural festival as a private guest of organizers is a social activity well within accepted diplomatic conduct and does not constitute interference.
- Option D: Academic commentary on legal topics at a private institution falls within the broad freedoms of expression and scholarly engagement; it does not interfere in the political or constitutional process of the receiving state.

Final Answer: Covertly funding electoral campaigns to influence elections = direct interference in internal affairs, violating Art. 41(1) VCDR ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q23

Q24.

Solution

Concept — Acting Head of Consular Post (Art. 15 VCCR): Article 15 of the VCCR provides a specific mechanism for the interim management of a consular post when the head cannot carry out functions. This ensures continuity of consular protection without interruption.

Analysis: Option (C) correctly states the procedure under Art. 15 VCCR. An acting head of consular post (*gerant du poste*) is designated by the sending state from among consular officers of the post, or if none is available, from diplomatic staff. The competent authority of the receiving state must be notified of the acting head's name, thereby ensuring the receiving state's awareness of who bears consular authority. This notification triggers the applicable protections and privileges under the VCCR.

Why other options are wrong:

- Option A: The receiving state has no right to appoint a temporary consul from its own nationals; this would fundamentally violate the sending state's sovereign right to manage its consular representation.
- Option B: Immediate closure and evacuation of the post are not required by VCCR; Art. 15 exists precisely to avoid this outcome by providing for an acting head.
- Option D: Art. 15 expressly requires notification to the competent authority of the receiving state; the sending state cannot manage succession in complete secrecy.

Final Answer: Art. 15 VCCR: acting head designated from consular or diplomatic staff; receiving state must be notified ⇒ $\boxed{\text{C}}$

Answer: (C) Go Back to Q24

Q25.

Solution

Concept — UNSC Deferral Power under Art. 16 Rome Statute: Article 16 of the Rome Statute allows the Security Council to request the ICC to defer investigations or prosecutions for renewable twelve-month periods. This mechanism balances judicial independence with the Security Council's peace and security mandate.

Analysis: Option (D) correctly describes the Art. 16 framework. A Chapter VII resolution is required, reflecting the Security Council's determination that the deferral is necessary for international peace and security. The deferral lasts twelve months and may be renewed by further resolutions. The ICC retains its jurisdiction; if the Security Council fails to renew the deferral, the ICC may resume. This mechanism was deployed in Resolutions 1422 (2002) and 1487 (2003) regarding US peacekeepers.

Why other options are wrong:

- Option A: A single P5 veto cannot unilaterally trigger an Art. 16 deferral; a formal affirmative Chapter VII resolution is required with nine votes.
- Option B: Deferrals are time-limited (twelve months); indefinite or permanent deferral is not provided for, though successive renewals are possible.
- Option C: No ICJ advisory opinion is required before an Art. 16 resolution takes effect; the two institutions are legally independent.

Final Answer: Art. 16: Chapter VII resolution required; twelve-month renewable deferral; ICC jurisdiction revives if deferral lapses $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q25

Q26.

Solution

Concept — Judicial vs. Political Organs in International Law: The ICJ is the principal judicial organ of the UN (Art. 92 UN Charter) and is bound to decide cases in accordance with international law (Art. 38 ICJ Statute). The Security Council and UNGA are political organs exercising discretionary functions.

Analysis: Option (A) accurately identifies the primary legal significance of the distinction. ICJ decisions are binding on the parties (Art. 59 ICJ Statute) and are based solely on applicable law. Security Council resolutions may be binding on all member states (Art. 25 UN Charter) but emerge from political negotiation. UNGA resolutions are generally recommendations. The distinction was examined in the

Certain Expenses of the United Nations Advisory Opinion (1962) and in the debate over judicial review of Security Council decisions.

Why other options are wrong:

- Option B: The UN Charter clearly distinguishes the principal organs; Arts. 7, 92–96 and 24 each describe distinct powers and functions for different organs.
- Option C: There is no established legal principle allowing political organs to override ICJ judgments; Art. 94(2) UN Charter provides the Security Council with an enforcement mechanism for non-compliance, not an override power.
- Option D: Security Council resolutions acting under Chapter VII are legally binding on all member states (Art. 25); UNGA resolutions are typically non-binding, but the characterization of all political organ output as having "no legal force" is incorrect.

Final Answer: ICJ decides on law; political organs exercise discretionary powers; each carries distinct legal effects and standards $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q26

Q27.

Solution

Concept — UN Immunity from Domestic Jurisdiction (1946 Convention, Section 2): Section 2 of the 1946 Convention provides that the UN "shall enjoy immunity from every form of legal process" except insofar as it has expressly waived immunity. Section 29 obligates the UN to provide alternative dispute resolution for private law claims.

Analysis: Option (B) correctly captures the interplay between UN immunity and the obligation to provide alternative remedies. The ICJ confirmed in *Difference Relating to Immunity from Legal Process* (1999) that UN functional immunity is broad. Domestic courts in several jurisdictions (Netherlands, USA, Belgium) have confirmed that despite the obligation in Section 29, the failure to provide adequate alternative dispute resolution does not strip the UN of its immunity.

Why other options are wrong:

- Option A: While UN immunity is broad, the 1946 Convention itself contains the obligation in Section 29 to provide alternative dispute resolution, and the UN may waive immunity under Section 2; absolute immunity in all circumstances is an overstatement.

- Option C: UN immunity is not geographically limited to New York; it applies globally to all UN property and operations under the 1946 Convention and host country agreements.
- Option D: The UN does not conduct "commercial activities" in the same sense as private entities; moreover, the restrictive immunity doctrine (applicable to sovereign states under the UN Convention on Jurisdictional Immunities, 2004) has not been held applicable to international organizations.

Final Answer: UN enjoys immunity from legal process; bound under Section 29 to provide alternative dispute resolution; failure does not remove immunity $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q27

Q28.

Solution

Concept — Appointment of the UN Secretary-General (Art. 97 UN Charter): Article 97 of the UN Charter provides that the Secretary-General "shall be appointed by the General Assembly upon the recommendation of the Security Council." This creates a two-step process in which both organs play essential but distinct roles.

Analysis: Option (C) correctly describes the constitutional procedure. The Security Council's recommendation under Art. 97 is a procedural matter, but given that it requires affirmative agreement of all five permanent members (as Security Council practice treats the appointment recommendation as a non-procedural matter subject to the veto), the P5 have an effective blocking role. The UNGA then makes the formal appointment. Practice since 1946 confirms this pattern.

Why other options are wrong:

- Option A: The UNGA cannot independently elect the Secretary-General; a Security Council recommendation is a constitutional prerequisite under Art. 97.
- Option B: The appointment is made by the UNGA, not the Security Council; the Council only recommends. The UNGA vote requires a simple majority; it is not a mere acclamation.
- Option D: There is no secret ballot organized by the Secretariat outside the UNGA/Security Council framework; the procedure is defined in Art. 97 and UNGA rules of procedure.

Final Answer: Art. 97: Secretary-General appointed by UNGA on Security Council recommendation; P5 veto applies to Council's recommendation $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q28

Q29.

Solution

Concept — Jurisdiction vs. Admissibility in ICJ Proceedings: Jurisdiction concerns the court's power to hear a particular dispute between specific parties; admissibility concerns whether the specific claim is properly before the court at this time. A successful admissibility objection does not destroy jurisdiction.

Analysis: Option (D) correctly draws the distinction. Jurisdiction must exist before admissibility is examined. Typical admissibility bars include failure to exhaust local remedies (in diplomatic protection cases), mootness, lack of the nationality of claims, and prematurity. A case dismissed for inadmissibility (e.g., *Interhandel*, ICJ 1959 – failure to exhaust local remedies) leaves the claim intact and capable of resubmission once the defect is remedied. The ICJ confirmed this distinction in *Armed Activities on the Territory of the Congo* (DRC v. Uganda, 2005).

Why other options are wrong:

- Option A: Jurisdiction concerns the court's authority, not the merits; a successful admissibility objection does not produce a declaratory judgment on the merits.
- Option B: Jurisdiction and admissibility are conceptually and practically distinct; the ICJ examines them in sequence. An admissibility dismissal does not permanently extinguish the claim.
- Option C: Jurisdiction is not about domestic sovereign rights; it concerns the court's treaty-based or consent-based authority to hear an international dispute.

Final Answer: Jurisdiction = court's authority over the dispute; admissibility = propriety of the claim; admissibility dismissal is without prejudice to resubmission $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q29

Q30.

Solution

Concept — Good Faith Negotiations as Jurisdictional Precondition: Many treaties condition ICJ jurisdiction on the prior failure of negotiations. The ICJ has interpreted this requirement as demanding genuine attempts to negotiate, not mere diplomatic contact, but does not require negotiations to continue indefinitely.

Analysis: Option (A) correctly reflects the jurisprudence. In *Mavrommatis Palestine Concessions* (PCIJ 1924), the Court held that where a treaty requires negotiations to fail before jurisdiction attaches, some genuine attempt at resolution must precede seisin. The ICJ in *Georgia v. Russia* (2011) and *Ukraine v. Russia* (Application of the ICSFT and CERD, 2022) examined whether negotiations had genuinely been attempted and concluded before accepting or rejecting jurisdiction. Once it is evident that negotiations are futile, the condition is met.

Why other options are wrong:

- Option B: Where a compromissory clause expressly conditions jurisdiction on prior negotiation, that condition must be satisfied; courts cannot ignore it.
- Option C: There is no universal obligation to exhaust compulsory conciliation before judicial settlement; this varies by treaty.
- Option D: The precondition of negotiations is not contingent on the respondent's request; it is embedded in the compromissory clause and examined by the Court independently.

Final Answer: Genuine negotiation attempts required; once futility is clear the precondition is satisfied; no duty to negotiate indefinitely $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q30

Q31.

Solution

Concept — Interstate vs. International Commercial Arbitration: Interstate arbitration resolves disputes between sovereign states under public international law (e.g., PCA proceedings between states). Commercial arbitration resolves disputes between private parties under the lex arbitri and commercial law, with enforcement through the New York Convention (1958).

Analysis: Option (B) accurately identifies the key distinctions: parties (states vs. private entities), applicable law (public international law vs. agreement and lex arbitri), and enforcement mechanisms (diplomatic/reciprocity vs. the New York Convention). The PCA administers both types, but the legal regimes remain distinct. ICSID arbitration occupies an intermediate position, involving states and investors.

Why other options are wrong:

- Option A: Party identity, applicable law, and enforcement mechanisms fundamentally differ; the two types of arbitration are not procedurally and substantively identical.
- Option C: Commercial arbitration awards are not automatically binding on sovereign states under the UN Charter; New York Convention enforcement against state assets requires domestic enforcement proceedings.
- Option D: Asset seizure by one state against another without further legal process would itself constitute an internationally wrongful act; no such unrestricted remedy exists in interstate arbitration.

Final Answer: Interstate arbitration involves sovereign states under public international law; commercial arbitration involves private parties under lex arbitri, enforced via New York Convention $\Rightarrow \boxed{\text{B}}$

Answer: (B) Go Back to Q31

Q32.

Solution

Concept — Law of Belligerent Occupation (Hague Regulations, GC IV): Article 43 of the 1907 Hague Regulations obliges the occupying power to "take all measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country." GC IV supplements this framework with comprehensive civilian protections.

Analysis: Option (C) correctly identifies the obligations: respect for *in force* laws (Art. 43 Hague), prohibition on compelling allegiance, prohibition on altering civil service status, and the extensive protections for civilians in GC IV (Arts. 47–78). The ICJ applied these rules in the *Wall Advisory Opinion* (2004) and *Armed Activities* (DRC v. Uganda, 2005), confirming the concurrent applicability of IHL and international human rights law during occupation.

Why other options are wrong:

- Option A: Occupation does not confer sovereignty; the occupying power is an administrator, not a sovereign, and is subject to IHL constraints on legislation and property.

- Option B: The right to derogate from the obligation to maintain existing laws is limited to absolute necessity (Art. 43 Hague); the suggestion that derogation is freely available "whenever convenient" is incorrect.
- Option D: IHL of occupation reflects customary international law binding all states regardless of treaty ratification status; the *Nicaragua* case (1986) confirmed the customary character of fundamental IHL norms.

Final Answer: Occupying power must respect existing laws, civilian protections under GC IV, and may not compel allegiance or alter civil official status $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q32

Q33.

Solution

Concept — Absolute Prohibition on Cruel, Inhuman, or Degrading Treatment (Rule 90 ICRC): The prohibition on cruel, inhuman, or degrading treatment of detainees in armed conflict is a non-derogable norm of both treaty law (Common Art. 3, AP I Art. 75, AP II Art. 4) and customary international law, as confirmed in Rule 90 of the ICRC Customary IHL Study (2005).

Analysis: Option (D) correctly identifies the absolute and non-derogable character of this prohibition. No military necessity exception is recognized; the prohibition applies in all armed conflicts, international and non-international, and to all persons in the power of a party. The UN Human Rights Committee, the ECtHR, the IACtHR, and the ICTY have all confirmed this absolute character. The CAT (Art. 2(2)) and the ICCPR (Art. 7) reinforce the non-derogable character in peacetime and conflict.

Why other options are wrong:

- Option A: The prohibition applies in international armed conflict as much as in non-international armed conflict; Common Art. 3 addresses non-international conflicts but AP I Art. 75 covers international armed conflicts, and both are absolute.
- Option B: No time-limited derogation for security reasons is recognized; the prohibition is unconditional.
- Option C: AP I Art. 75 expressly extends the prohibition to all persons in the power of a party, without limiting it to "protected persons" under GC IV; combatants and civilians alike are covered.

Final Answer: Prohibition on cruel, inhuman, or degrading treatment is absolute, non-derogable, and admits no military necessity exception in any armed conflict $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q33

Q34.

Solution

Concept — Mercenary Definition under Art. 47 AP I: Article 47(2) of Additional Protocol I sets out six cumulative criteria for classifying an individual as a mercenary. All six must be satisfied simultaneously; if any one is absent, the individual does not qualify as a mercenary under AP I.

Analysis: Option (A) correctly identifies all six criteria of Art. 47(2): (a) special recruitment; (b) actual direct participation in hostilities; (c) private gain motivation substantially in excess of comparable combatants; (d) not a national or resident of a party; (e) not a member of a party's armed forces; (f) not sent on official duty by a non-party state. The cumulative requirement is the key feature that renders Art. 47 practically difficult to apply to modern PMCs, who typically fail criterion (d) or (e) (being employees of state-contracted companies).

Why other options are wrong:

- Option B: Not every foreign national fighting for pay is a mercenary; all six criteria must co-exist. A foreign national serving in a state's regular armed forces is not a mercenary.
- Option C: A government contract does not automatically satisfy the nationality criterion; the key question is whether the individual is a national of or resident in a party to the conflict, not the contracting arrangement.
- Option D: Mercenaries who fail the six-criteria test may be classified as combatants or civilians depending on their conduct; they are not automatically fully protected civilians.

Final Answer: Art. 47(2) AP I: all six criteria must be cumulatively satisfied; cumulative test makes classification of PMCs as mercenaries difficult $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q34

Q35.

Solution

Concept — ICCPR Derogation Procedure (Art. 4): Article 4 ICCPR permits states parties to take measures derogating from Covenant obligations "in time of public emergency which threatens the life of the nation." The Human Rights Committee's General Comment No. 29 (2001) elaborates the conditions in detail.

Analysis: Option (B) correctly identifies the full set of requirements: (i) a public emergency threatening the life of the nation must be officially proclaimed; (ii) measures must be strictly required by the exigencies of the situation; (iii) measures must not be inconsistent with other international law obligations; (iv) no discrimination; (v) certain enumerated articles (Arts. 6, 7, 8(1)–(2), 11, 15, 16, 18) are non-derogable; and (vi) immediate notification to other states parties through the UN Secretary-General is mandatory. HRC General Comment 29 and the practice of the Committee confirm each of these requirements.

Why other options are wrong:

- Option A: There are substantial limitations on derogation: procedural requirements, proportionality, non-discrimination, non-derogable rights, and notification; derogation is not a blank check.
- Option C: Notification must be made to the UN Secretary-General for transmission to other states parties; the Security Council plays no formal role in ICCPR derogation procedure.
- Option D: Derogation is not automatic upon a declaration of war; the specific procedural steps in Art. 4 must be followed regardless of the form of the emergency.

Final Answer: Art. 4 ICCPR requires proclaimed emergency, strictly necessary measures, no discrimination, non-derogable rights protected, and notification to UN Secretary-General ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q35

Q36.

Solution

Concept — Justiciability of ICESCR Rights: The ICESCR imposes obligations of progressive realization (Art. 2(1)), but the Committee on ESCR has developed minimum core obligations doctrine, and the Optional Protocol to the ICESCR (2008, entered into force 2013) provides a communications mechanism demonstrating the justiciability of these rights.

Analysis: Option (C) accurately reflects the contemporary position. The Committee's General Comments (especially No. 3 on the nature of states parties' obligations) identify minimum core obligations that are immediately operative and not subject to resource-dependent progressive realization. Domestic courts in South Africa (*Grootboom*, 2000), India, and Colombia have rendered ICESCR rights justiciable. The Optional Protocol shows that these rights can be subject to individual complaints mechanisms at the international level.

Why other options are wrong:

- Option A: ICESCR rights are increasingly justiciable both domestically and internationally; categorical non-justiciability is the outdated classical position, now rejected in both scholarship and practice.
- Option B: ICESCR rights differ from ICCPR rights in the character of the obligation; progressive realization is different from immediate full realization.
- Option D: The Optional Protocol to the ICESCR creates an individual communications mechanism not conditioned on ILO convention ratification; the characterization in option D is a fabrication.

Final Answer: ICESCR rights have minimum core obligations immediately applicable; Optional Protocol (2008) confirms justiciability through communications mechanism $\Rightarrow \boxed{\text{C}}$

Answer: (C) Go Back to Q36

Q37.

Solution

Concept — Statehood of Failed or Collapsed States (Continuity Doctrine): The Montevideo criteria (1933 Convention on Rights and Duties of States) require a permanent population, defined territory, effective government, and capacity for international relations. The continuity doctrine holds that a state once recognized retains its international personality despite governmental collapse.

Analysis: Option (D) correctly applies the continuity doctrine. Somalia provides the paradigmatic example: despite the complete collapse of central government in 1991, Somalia continued to be recognized as a state, retained its UN membership, and accumulated international obligations. The ILC and international commentators broadly accept that continuity of legal personality persists through periods of governmental absence. Recognition is the operative act that establishes statehood; its withdrawal or reversal requires positive action, not merely governmental collapse.

Why other options are wrong:

- Option A: The automatic loss of statehood upon governmental collapse has been universally rejected in state practice; no state lost its international personality merely because its government collapsed.
- Option B: The Security Council has never revoked a state's statehood; it has no established legal power to do so under the UN Charter.
- Option C: *Terra nullius* doctrine applies to unclaimed land, not to recognized states; the reversion of a failed state's territory to *terra nullius* has no basis in international law.

Final Answer: Continuity doctrine: a state retains international legal personality despite governmental collapse; obligations accrue regardless of dysfunction $\Rightarrow \boxed{\text{D}}$

Answer: (D) Go Back to Q37

Q38.

Solution

Concept — Succession to State Archives (1983 Vienna Convention): Articles 20–31 of the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts (1983) address succession to archives. The convention, though not widely ratified, is treated as reflecting or codifying customary international law principles on this topic.

Analysis: Option (A) correctly states Art. 28 of the 1983 Convention. In cases of dissolution, the general approach is territorial: archives necessary for the administration of a successor's territory pass to that state, while remaining archives are equitably distributed. This principle was applied in practice during the dissolution of Yugoslavia and the USSR, where successor states negotiated division of archival materials.

Why other options are wrong:

- Option B: The principle that archives "never pass" to successor states contradicts the explicit terms of the 1983 Convention and established state practice following dissolution of the Soviet Union and Czechoslovakia.
- Option C: An automatic transfer of all archives without any obligation to provide copies to co-successors is inconsistent with the equitable division principle in Art. 28 and the cooperative arrangements required in practice.
- Option D: Customary rules and the 1983 Convention do address archive succession; the matter is not left entirely to bilateral agreement without any international law framework.

Final Answer: Art. 28, 1983 Convention: archives necessary for territory pass to successor; remaining archives divided equitably among co-successors $\Rightarrow \boxed{\text{A}}$

Answer: (A) Go Back to Q38

Q39.

Solution

Concept — Legal Character of NDC Obligations under the Paris Agreement: The Paris Agreement's architects deliberately differentiated between the procedural obligations (communication, maintenance, reporting) which are binding, and the substantive content of NDC targets, which each state determines for itself without external imposition.

Analysis: Option (B) accurately describes this "pledge and review" architecture. Article 4(2) Paris Agreement states that each party "shall prepare, communicate and maintain successive" NDCs; the word "shall" makes this binding. But the content of the NDC is nationally determined. The compliance mechanism under Art. 15 is "facilitative, non-adversarial and non-punitive." This deliberate design choice attracted broad participation (187+ NDC submissions) but attracted criticism for its lack of teeth.

Why other options are wrong:

- Option A: Achievement of specific NDC targets is not a hard legal obligation; the Paris Agreement deliberately avoids imposing binding emission targets to achieve near-universal participation.
- Option C: The Paris Agreement is a binding treaty under international law, having entered into force 4 November 2016; its procedural obligations are legally binding.
- Option D: There is no automatic financial penalty mechanism in the Paris Agreement; the Art. 15 committee's role is facilitative and does not impose

financial consequences for non-achievement.

Final Answer: Obligation to communicate and maintain NDCs is binding; achieving specific NDC targets is not a hard legal obligation; no penalties for non-achievement ⇒ $\boxed{\text{B}}$

Answer: (B) Go Back to Q39

Q40.

Solution

Concept — UNGA Definition of Aggression (Resolution 3314, 1974): Resolution 3314 was adopted by consensus after years of negotiation in the Special Committee on the Question of Defining Aggression. It defines aggression, provides a non-exhaustive list of acts, and preserves Security Council discretion.

Analysis: Option (C) correctly describes the status and content of Resolution 3314. It is a UNGA resolution and therefore not legally binding in itself; it serves as an authoritative guide for the Security Council, which retains discretion under Art. 39 UN Charter to make its own characterization. The definition (Art. 1) covers use of armed force against sovereignty, territorial integrity, or political independence; the enumerated acts (Art. 3) include invasion, bombardment, blockade, attack on armed forces, and permitting territory to be used by a third state for aggression. The Security Council may derogate from the definition (Art. 4) and is not bound by it.

Why other options are wrong:

- Option A: Resolution 3314 is a UNGA resolution, not a Security Council resolution; it does not automatically trigger Art. 39 or Chapter VII obligations.
- Option B: The Kampala Amendments (2010) use the definition in Resolution 3314 for the crime of aggression in the Rome Statute but did not incorporate the resolution verbatim, and the resolution continues to have independent significance as a guide to the Security Council.
- Option D: Resolution 3314 retains independent legal significance as a guide to the Security Council and as evidence of the international community's understanding of aggression; it has not been entirely superseded.

Final Answer: Resolution 3314 is a non-binding UNGA guide for the Security Council defining aggression; Council retains Art. 39 discretion ⇒ $\boxed{\text{C}}$

Answer: (C) Go Back to Q40

Answer Key

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