

18 NOV 2025

National Law University Jodhpur
Re-Midterm Examination, November-2025
UG V, Public International Law

Total Marks 50

Answer all the questions.

1. "The mission creep of the VCLT was exemplified by its prominence in the fragmentation of international law debate, where it was regarded as the 'elixir for virtually all fragmentation issues' and as crucial to the prospects of systemic integration."

Critically analyse the above observation.

(Marks 25)

2. The State of Gemstones and the State of Rockstones are neighbouring coastal States in the region of Beatles. Both are parties to the Vienna Convention on the Law of Treaties (1969). The two States share the Beatles River Basin, a vital source of freshwater and an ecological lifeline. While Gemstones has diversified into clean energy and technology exports, Rockstones remains heavily dependent on its copper and rare-earth mining sector, which generates nearly 40% of its GDP.

In 2015, under the auspices of the Beatles Regional Cooperation Council (BRCC), several States, including Gemstones and Rockstones, negotiated and adopted the Treaty on Regional Environmental Protection and Sustainable Development (TREPSPD).

The TREPSPD's core provisions include:

- Article 5: Prohibiting untreated industrial waste discharge into shared watercourses.
- Article 7: Obliging States Parties to contribute 2% of GDP annually to the Regional Environmental Protection Fund (REPF).
- Article 11: Creating the Regional Monitoring Commission (RMC) with authority to investigate and publish compliance reports.
- Article 14: Granting jurisdiction to the ICJ for disputes not resolved through consultations and negotiations.

Upon ratification in 2017, Rockstones entered a reservation to Article 7, citing constitutional constraints on mandatory international budgetary allocations. Rockstones declared it would instead make voluntary contributions "consistent with its national capacity." Gemstones formally objected, arguing the reservation undermined the treaty's object and purpose, but nevertheless allowed the treaty to enter into force between the two States.

From 2018–2023, the RMC reported persistent environmental degradation caused by Rockstones' mining sector. The lack of adequate REPF funding, largely due to Rockstones' minimal contributions (0.2% of GDP annually), impaired the Commission's ability to respond to emergencies.

In 2021, a toxic spill in Rockstones contaminated large stretches of the Aurelia River, destroying fish stocks and affecting the health of thousands downstream in Gemstones.



The Conference of States Parties (CSP) in 2022 passed a resolution affirming that "adequate financial contributions under Article 7 are indispensable to fulfilling the treaty's object and purpose." Gemstones claimed this resolution invalidated Rockstones' reservation; Rockstones dismissed it as politically motivated. Politically, relations between the two States have deteriorated: Gemstones has increasingly styled itself as a regional environmental leader, winning international praise and attracting foreign investment in renewable energy. Diplomatic negotiations broke down in late 2024. Gemstones accuses Rockstones of acting in bad faith, contrary to the principle of *pacta sunt servanda*, while Rockstones insists Gemstones' objection is a pretext for regional hegemony. On 20 October 2025, Gemstones filed an application before the ICJ under Article 14 of TREPSD.

Prepare arguments from side of Rockstone.

(Marks 25)

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination August-December -2025

Semester: UG V Semester

Subject: Public International Law (Compulsory)

Time: Three Hours

Marks:100

Instructions:

1. Attempt any five questions out of six.
2. Question 1, 2, 3 are mandatory.

Q.1). The state of SDL and Kokum are neighbours. Both of these states have been enjoying peaceful and friendly relations with each other. Rasala is a beautiful village, surrounded by mountains and located near border between both states. It lies within the territory of SDL. In January 2025, the SDL government wanted to develop this hamlet into a tourist place. Accordingly, the railway tracks were developed, hotels were opened, cinema halls, night clubs, café and banks were opened. This did not go well with villagers of Surpura, in Kokum. They always thought themselves culturally proximate to Rasala and they viewed the development activities as an attack on their local customs and culture. They entered into the territory of SDL with the help of local villagers of Rasala and blew the railway track, as an act of resistance. However, two villagers of Surpura were caught and tried according to internal laws of SDL in its court. They were sentenced to death and were executed without having been informed of their rights, as is required under Article 36, paragraph 1 (b), of the Vienna Convention on Consular Relations.

This incident irked the State of Kokum and it has prayed before the ICJ to hold SDL responsible for violation of international law. Render legal advice to **both** states.

SDL and Kokum are parties to the Vienna Convention on Consular Relations, 1963 (VCCR).

VCCR, Article 36, Communication and contact with nationals of the sending State:

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:
(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this article are intended.

(Marks 20)

Q.2). In August 2021, the elected government of the Islamic Republic of Grammia collapses after the militant group known as the Beatles Movement (BM) seizes control of the capital city and declares the establishment of the "Islamic Emirate of Grammia." The former President flees abroad, and remnants of his cabinet form a "Government-in-Exile" operating from a neighbouring State. The Beatles now exercises effective control over most of Grammia's territory, maintains functioning ministries, enforces its own laws, and engages in limited foreign relations through informal channels.

The international community remains divided:

- A few States (such as Ginsberg and Godawan) announce *de facto* recognition of the Beatles government, citing its effective control and stability.
- Most Western States and international organizations refuse formal recognition, citing the Beatles's failure to respect human rights, exclusion of women from public life, and support for armed groups.

Meanwhile, the Beatles led government concludes a trade and investment agreement with Republic of Mandaar. The former government-in-exile claims this agreement is void, arguing that the Beatles lacks international legal personality as a government.

Advise on the recognition of Beatles government under international law.

(Marks 20)

Q.3). Following a major terrorist attack in State of Mehrangarh, which the government claims was planned and executed by a militant group operating from across the border in state of Umed Nagar, Mehrangarh conducts limited airstrikes targeting alleged terrorist camps inside territory of Umed Nagar. Umed Nagar condemns the action as a violation of its sovereignty and denies that it supports the group. Analyse the legality of Mehrangarh's use of force under international law. Support your answer with the help of relevant treaty provision, customary international law, judicial precedents.

(Marks 20)

Q.4). There are several instances where the Supreme Court of India has often judicially incorporated even those treaties that India has not signed. Critically evaluate Indian practice on incorporating international law in the municipal legal system. Support your answer with relevant constitutional provisions and judicial decisions.

(Marks 20)

Q.5). During an international dispute between two countries, there is no specific treaty or customary international law that directly addresses the issue in question. The International Court of Justice (ICJ) decides to rely on general principles of law to resolve the matter.

- a. What are the two categories of "general principles of law recognised by civilised nations", and why does the ICJ rely on them?
- b. Explain five examples of such a principle with the help of relevant case-laws.

(Marks-10+10)

Q.6). Write short on any two:

- a. *Opinio Juris*



- b. Hierarchy of Norms
- c. Third World Approach to International Law
- d. International Legal Personality of ICRC

(Marks 10+10)



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Mid-Term Examination, September-2025
UG V, Public International Law

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Answer all the questions.

Question 1

- a. How does VCLT define treaties? Can MoU(s) be considered as treaties? Discuss with the help of case-law.
- b. What are the obligations of signing States's to treaties which are subject to ratification? Can States 'unsign' the treaties? Evaluate USA's position on the Rome Statute.

(Marks 5+10=15)

Question 2

The Republic of Rockstones, a newly independent state emerging after decolonization, signs the Multilateral Treaty on Environmental Protection (MTEP) in 2022. The treaty aims to combat transboundary pollution and protect biodiversity.

At the time of signing:

- The President of Rockstones signs the treaty during an international conference. However, under Rockstone's constitution, treaties must be approved by a two-thirds majority in Parliament before ratification. No such approval was obtained at the time of signing.
- The government of Rockstones is politically divided. The opposition claims the President acted ultra vires and that the treaty is invalid domestically.

Later, when depositing its instrument of ratification, Rockstones makes the following reservation:

It excludes the application of Article 12, which provides for compulsory dispute settlement through the International Court of Justice (ICJ). Rockstones justifies this by arguing that it wishes to settle disputes only through regional mechanisms.

Several other states object:

- State of Gemstone argues that Rockstone's reservation is invalid because dispute settlement is "essential to the treaty's object and purpose."
- State of Grammia objects but states that the treaty will nonetheless apply between itself and Rockstones without the benefit of the reservation.

- State of Beatles claims the reservation is incompatible and refuses to consider Rockstones a party to the treaty at all.

Meanwhile, a major environmental dispute arises between Gemstones and State of Rockstones involving cross-border river pollution. State of Gemstone wishes to bring the case before the ICJ, but Rockstones insists its reservation prevents this.

Discuss the following issues with reference to the Vienna Convention on the Law of Treaties (1969):

1. Does the Republic of Rockstones have the capacity to contract treaties under international law, despite its constitutional requirements? What is the effect of the President signing the treaty without parliamentary approval?
2. Assess the validity of Rockstone's reservation to Article 12 under the VCLT framework. How should the compatibility with the treaty's "object and purpose" be evaluated?
3. What are the legal consequences of the different objections raised by States Gemstones, Grammia, and Beatles?

(Marks 20)

Question 3

State X and State Y are parties to a 1960 Treaty of Friendship, Commerce and Navigation (FCN), which guarantees "freedom of commerce and navigation" between the two States. In 2025, following a series of alleged armed attacks on its vessels in the high seas, State X destroys offshore oil installations belonging to State Y, claiming right of self-defence under Article 51 of the UN Charter.

State Y brings a case before the International Court of Justice (ICJ), alleging that State X's actions breached the FCN Treaty.

In deciding the case:

- a) How should the ICJ apply the rules of treaty interpretation under Articles 31–32 of the Vienna Convention on the Law of Treaties to determine whether the destruction of oil platforms falls within the scope of "freedom of commerce and navigation"?
- b) To what extent can systemic integration under Article 31(3)(c) VCLT allow the Court to read the FCN Treaty in light of the UN Charter rules on the use of force?
- c) How does this case reflect broader challenges of fragmentation and systemic integration in international law?

(Marks 15)

