

29 DEC 2023

NATIONAL LAW UNIVERSITY, JODHPUR
End term Examination October-November, 2023
Semester: UG V Semester (Compulsory)
Subject: Public International Law

Time: 3 Hours

Marks: 100

Instructions:

1. Answer any five questions.
2. All questions carry equal marks.

Q.1) State of Gemstones has been enjoying a right of transit through the territory of state of Rolling stones for a long time to reach its overseas territories. Rolling stones has suddenly stopped the transit of Gemstones' administration and its armed forces to pass through the territory of Rolling stones. It has led to a dispute between the two and has been referred to I.C.J. You are appointed as an agent of Rolling stones. Prepare your submissions on behalf of Rolling stones in the light of relevant international law and practice.

(Marks 20)

Q.2) Discuss the normative framework on the relationship between international law and domestic law within the Indian Constitution. How has the Supreme Court of India gradually moved away from the doctrine of transformation while giving effect to rules of international law?

(Marks 20)

Q.3) Mobilia, a Peruvian national, was appointed as the mediator by the United Nations for mediating the dispute between Israel and Palestine. The mediation was to take place in Tel Aviv in Israel. After holding three sessions of mediation between the delegations of Israel and Palestine, Mobilia was assassinated by an anti-Palestine group consisting of Israeli nationals in Tel Aviv. The dependents of Mobilia urged the Peruvian government to bring a case against Israel at the International Court of Justice by invoking diplomatic protection. The Peruvian government declined to bring a case against Israel. The dependents of Mobilia approach you for legal advice, in this case, hoping to rope in the United Nations to file a claim on behalf of Mobilia against Israel. Is this possible? What would be the arguments you would raise for justifying the claim of the United Nations against Israel?

(Marks 20)

Q.4) The state of Naira and Amaira are neighbors and members to the United Nation Organization. Both states have been enjoying peaceful and friendly relations with each other since their independence from colonial power in 1965. However, with the change of government in Naira in 2020, there have been few instances of attack on civil and political rights of minorities. Minorities belong to Zintec religion. The political dissidents are being jailed. Enforced disappearance have been reported. The custodial violence has also increased. The women and girls belonging to Zintec religion have been forced out of public life. These are being reported in the international media and other neighboring states like Plumia, Abdendo, Kyarmar have expressed their concerns. These internal situation in Naira has enraged Amaira where the Zintec is the majority population. The opposition parties in Amaira have been pressurizing government to revisit her stand towards Naira. Now, the diplomatic relation between both states seems strained.

On 4 August, 2023, there were widespread protest against the sitting government in Naira. The protestors took the procession march in various cities. One such march crossed from the front of the Amaira High Commission. On scuffle between the protestors and police, few of the protestors entered into the premise of High Commission. Police started firing around the High Commission which killed 35 Nairans and 20 Amaira nationals. The protestors in order to save their lives made 40 Amaira national hostages.

Taking stock of situation, the state of Amaira through a high-power meeting ordered its military to be ready to launch an attack. They were of the view that this would put pressure on Naira and its citizens would be freed immediately. However, this panicked the Zintec population as they knew that they will be the next target of attack by police and military force of Naira. They started fleeing from Naira to Amaira. Unable to control the movement of population from its territory and protestors in the domestic territory, State of Naira ordered its air force to drop bomb in the territory of Amaira. Now, both the states are engaged in full-fledged war with each other. However, the state of Amaira approaches the ICJ. It relies on breach of article 2 (4) by Naira. Naira on other hand relies on article 51 of the Charter. Critically analyze all the legal issues and arguments which may arise from both sides.

(Marks 20)

Q.5) Critically analyze the rules of international law concerning the succession of states to different kinds of treaties.

(Marks 20)

Q.6) Write short notes on following (any two):

- a. International Legal Personality of ICRC
- b. Civilizing Mandate of International Law
- c. Populism and International Law

(Marks 10*2)