



**Name:**

**Enrolment No:**

**UPES**

**End Semester Examination, December 2023**

**Course: Public International Law**

**Program: B.Tech LLB**

**Course Code: CLCC 3009**

**Semester: IX**

**Time : 03 hrs.**

**Max. Marks: 100**

**Instructions:**

**SECTION A  
(5Qx2M=10Marks)**

**S. No.**

**Marks**

**CO**

Q 1	Short note on <i>Jus cogens</i> .	2	CO1
Q 2	What is the difference between annexation and succession under international law?	2	CO1
Q 3	Explore the role can regional and international organizations play in promoting and protecting the rights of asylum.	2	CO1
Q 4	What are the different maritime zones under the Law of the Sea?	2	CO1
Q 5	Examine the concept of State jurisdiction.	2	CO2
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	What are the implications of the doctrine of monism for the relationship between international law and municipal law?	5	CO2
Q7	In 2010, the Republic of South Sudan seceded from the Republic of Sudan. South Sudan was recognized as a new state by the United Nations and the international community. Describe the different ways in which a new state can acquire statehood under international law.	5	CO2
Q 8	Determine the role of de jure and de facto recognition in the context of the ongoing conflict in Palestine.	5	CO2
Q 9	Discuss the challenges of determining nationality in the context of refugees and internally displaced persons.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 11	Explain and enumerate the significance and importance of different sources of International Law. What according to you is the most effective source of International Law in the present era? Substantiate your answer with appropriate illustrations.	10	CO3
Q12	“United Nations is the successor of League of Nations.” Justify this statement with the help of the historical background of the evolution of the United Nations.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q13	The asylum Case was a dispute between Colombia and Peru over the grant of asylum to Victor Raúl Haya de la Torre, a Peruvian political leader who had fled to the Colombian embassy in Lima after being accused of participating in a coup attempt. Peru demanded that Colombia surrender Haya de la Torre, but Colombia refused. The case was brought before the International Court of Justice (ICJ) in 1949. The ICJ ruled in favor of Colombia. It held that the grant of asylum was a matter within the exclusive jurisdiction of the state granting it. The Court also held that Peru was obliged to respect the grant of asylum, as it was a violation of international law to force a state to surrender a person who had been granted asylum.	5 x 5=25	CO4

	<p>While considering the abovementioned case, discuss the following questions.</p> <ol style="list-style-type: none"> <li>a) What were the main legal issues in the Asylum case?</li> <li>b) What are the key takeaways from the Asylum case for the relationship between territorial sovereignty and the right of asylum?</li> <li>c) What are the implications of the Asylum case for the role of the International Court of Justice in resolving disputes involving asylum claims?</li> <li>d) What is the significance of the Asylum case for the development of international law on asylum?</li> <li>e) To what extent does the Asylum Case (Colombia v. Peru) establish the right of asylum in international law?</li> </ol>		
Q 14	<p>In the case of the Right of Passage over Indian Territory (Portugal v. India), Portugal claimed a right of passage over Indian territory to its enclaves of Dadra and Nagar Haveli. India denied this right, arguing that the enclaves were surrounded by Indian territory and that Portugal had no right to traverse it. The case was brought before the International Court of Justice (ICJ) in 1955. In 1960, the ICJ issued a judgment in favor of Portugal, finding that it had a right of passage to its enclaves. The ICJ's judgment was a significant victory for Portugal, as it upheld its right of access to its enclaves. However, the Court's limitations on this right were also significant, as they prevented Portugal from using its right of passage to militarize its enclaves or to threaten India's security.</p> <p>In light of the judicial precedent, elucidate the following questions.</p> <ol style="list-style-type: none"> <li>a) Did the ICJ give sufficient weight to the historical practice of Portugal and India in reaching its decision?</li> <li>b) What were the historical and legal arguments made by Portugal and India in the case of the Right of Passage over Indian Territory?</li> <li>c) Was the ICJ correct to hold that Portugal's right of passage did not extend to armed forces, armed police, or arms and ammunition?</li> <li>d) What are the implications of the ICJ's judgment for the sovereignty of states?</li> <li>e) How can the ICJ's judgment be reconciled with the principle of self-determination?</li> </ol>	5x5=25	CO4