

## PUBLIC INTERNATIONAL LAW

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## **MODULE 1**

### **1) What is the nature, origin and historical development of international law?**

#### **Nature of International Law:**

- International law is the set of rules that helps countries work together and get along.
- It covers areas like human rights, trade, environmental protection, and managing oceans.
- Unlike laws within a country, international law doesn't have a single authority to enforce it.
- Instead, it relies on countries agreeing to follow the rules voluntarily.
- Each country controls its own territory and must agree to international rules for them to apply.
- International law depends on cooperation between countries.
- Organizations like the United Nations (UN) and the International Court of Justice (ICJ) help enforce international law.
- The goal of international law is to encourage countries to address global issues together.
- Different experts have various definitions of international law, but all agree it guides respectful relations between countries.
- The main idea of international law is to help countries interact respectfully and fairly.

#### **Origin of International Law:**

- International law started thousands of years ago in early civilizations like Mesopotamia and Greece.
- Ancient Rome had a concept called "law of nations" to guide relations with other countries, which influenced later ideas.
- During the Middle Ages, the Catholic Church's rules influenced how rulers governed.
- Thinkers like St. Augustine created the idea of "just war," setting rules for when war could be considered morally right.
- In 1648, the Treaty of Westphalia established the idea that each country should control its own affairs—this was a big step for international law.
- A philosopher named Hugo Grotius helped lay the groundwork for international law, saying countries should respect each other's rights.
- In the 1800s, countries began formally organizing these rules, creating agreements like the Geneva Convention to set rules for how wars should be conducted humanely.

#### **Historical Development of International Law:**

- International law developed gradually, with early rules influenced by ideas from ancient Greece and Rome.
- In the Middle Ages, the Catholic Church's laws and the "just war" theory shaped legal thinking.
- The Treaty of Westphalia in 1648 introduced the idea of national sovereignty, meaning each country controls itself.
- In the 19th century, countries continued to create standard rules through treaties like the Geneva Conventions, which set guidelines for conduct in war.
- In the 20th century, after two World Wars, countries saw the need for a global organization to maintain peace, which led to the founding of the United Nations (UN).
- After World War II, protecting human rights became a major focus, starting with the Universal Declaration of Human Rights in 1948.
- Since then, international law has expanded to include courts for handling war crimes and agreements on global issues like the environment.
- For example, the Paris Agreement aims to fight climate change by getting countries to reduce their carbon emissions.

### **2) Definitions of International law**

Jurist	Definition of International Law	Criticism
<b>Austin</b>	International law is not real law but a set of "positive morality" because there is no sovereign authority enforcing it.	Criticized for limiting "law" to what a government enforces, ignoring the influence and respect given to international norms.
<b>Hugo Grotius</b>	International law is based on natural law and the mutual consent of states.	His idea of "natural law" is often seen as too idealistic and doesn't address situations where countries ignore these principles.
<b>Oppenheim</b>	International law consists of rules that nations accept and observe in their relations with one another.	Some argue that he overlooked enforcement mechanisms, making his definition limited to voluntary compliance.
<b>Bentham</b>	Defined international law as a body of rules that govern relations between nations.	His definition is criticized as being too vague, offering little insight into why or how states are bound by these rules.
<b>Strake</b>	International law governs the conduct of independent states in their interactions.	Critics say this view lacks focus on the role of international organizations and individuals in modern international law.
<b>Kelson</b>	International law is a legal order that is higher than national law and binds all states.	His view is often criticized as impractical because it assumes states will always accept international law over their own laws.
<b>Hackworth</b>	International law includes the practices and agreements between states that create binding rules.	Some argue this definition is too focused on treaties and overlooks customary practices that also form a part of international law.

### 3) Is International law a true law?

Whether international law is "real law" is a big question in legal discussions. Unlike national laws, which are enforced by a government, international law doesn't have a single global authority to make sure countries follow it. Instead, it depends on countries' agreements, customs, and treaties that they are expected to respect. Because of this, some people wonder if it has the same power and seriousness as the laws within a country.

John Austin, a legal philosopher, famously argued that international law is not true law because it lacks a sovereign power to enforce it. According to Austin, true law must be a command issued by a sovereign and enforced by a sanction. Since there is no "world government" to impose international laws on countries, Austin considered international law to be merely a set of guidelines or "positive morality." For example, if a country breaks a climate agreement, there isn't an international police force to punish it directly. Austin felt that this lack of strict enforcement meant international law wasn't true law.

However, many other scholars argue that even without a central authority, international law still works effectively as law. Countries generally follow international agreements because they see the benefits of cooperation and don't want to face negative consequences like economic sanctions, loss of trade, or damage to their reputation. For example, most countries respect trade agreements made through the World Trade Organization (WTO) because breaking them can lead to trade restrictions, which hurt their economies. Another example is the United Nations Charter, where nearly all countries agree not to use military force against each other except in self-defense. Even without direct enforcement, countries follow this rule because it helps maintain peace.

### 4) Define Public International law. Compare International law with Municipal law.

Public International Law is the body of rules and principles that governs the relationships between countries and other international actors, such as international organizations. It covers issues like human rights, trade, conflict, and the environment. This law helps maintain peace and cooperation between nations.

Aspect	International Law	Municipal Law
<b>Scope</b>	Deals with relations between countries and international entities.	Governs the behavior of individuals and institutions within a country.

<b>Source</b>	Based on treaties, conventions, customs, and general principles.	Based on statutes, constitutions, and judicial decisions.
<b>Enforcement</b>	Lacks a central authority to enforce it; relies on countries' willingness to comply.	Enforced by national authorities like police, courts, and governments.
<b>Jurisdiction</b>	Applies to all countries and international organizations.	Applies within a single country's territory.
<b>Example</b>	The United Nations Charter, Geneva Conventions.	National laws like criminal law, labour laws, and tax regulations.
<b>Binding Nature</b>	Binding only if countries voluntarily accept and ratify rules.	Binding for citizens and institutions within the country.

### 5) What are the fundamentals of international law, including its theories and doctrines?

International law is shaped by various theories and doctrines that explain how laws between countries are formed, applied, and understood.

<b>Theory/Doctrine</b>	<b>Description</b>	<b>Example</b>
<b>Natural Law Theory</b>	This theory believes that international law is based on natural rights and universal principles that apply to all people and nations, no matter what laws a country has. These principles are seen as part of human nature.	The idea that all human beings have the right to life and freedom, as seen in documents like the Universal Declaration of Human Rights.
<b>Positivism</b>	Positivism argues that international law is created by the consent of states. It focuses on written rules, such as treaties and agreements, and believes that law is what is actually agreed upon, not what is morally right.	The World Trade Organization (WTO) agreements, where countries agree to follow rules for trade between them.
<b>Legal Realism</b>	Legal realism focuses on how international law is actually applied and enforced in practice. It suggests that the actions of states, rather than strict rules, determine what the law will be in reality.	How the UN Security Council reacts to international crises, like sanctions against a country for violating international rules.
<b>Constructivism</b>	This theory believes that international law is shaped by the ideas, beliefs, and identities of the countries involved. It emphasizes that law changes as countries' ideas and values evolve.	The growing importance of climate change in international law, where countries now recognize environmental protection as a shared global responsibility.
<b>Human Rights Doctrine</b>	This doctrine focuses on protecting individual rights and freedoms on a global scale. It emphasizes that certain rights, such as freedom from torture or slavery, should be guaranteed to everyone.	The European Convention on Human Rights (ECHR), which protects the rights of individuals in European countries.
<b>State Sovereignty Doctrine</b>	This doctrine holds that each state has the right to govern itself without outside interference. It emphasizes that a state's authority within its borders is supreme.	The principle of non-intervention, which says that no country should interfere in the internal affairs of another, as seen in conflicts where foreign countries do not intervene in others' domestic issues.

### 6) What is the difference between Nationality and citizenship?

<b>Nationality</b>	<b>Citizenship</b>
Nationality is a person's connection to a country by birth, ancestry, or ethnic background.	Citizenship is a person's legal status in a country, granting rights and responsibilities.

Nationality is often inherited and based on family lineage or ethnic identity.	Citizenship can be acquired through birth in the country, naturalization, or residency requirements.
Usually cannot be changed or given up if based on ancestry or birth.	Can be renounced or lost, and a person can hold citizenship in multiple countries (dual citizenship).
Nationality alone typically doesn't grant specific legal rights or obligations within a country.	Citizenship provides specific rights, such as voting, working in government, and access to public services.
Nationality identifies a person's cultural or ethnic link to a country.	Citizenship is a political and legal link to a country, involving participation in civic life.
<b>Example:</b> A person born to Indian parents is considered to have Indian nationality.	<b>Example:</b> That person can hold Indian citizenship and, if they become Canadian, can have dual citizenship.

## 7) Define Dual nationality.

Dual nationality means that a person is legally recognized as a national of two countries at the same time. This can happen automatically through different countries' laws or by choice. For example, a child born in Canada to Indian parents may have both Canadian nationality (by birth) and Indian nationality (by descent). People can also acquire dual nationality later, for instance, if someone born in the UK becomes a U.S. citizen but keeps their UK nationality.

Dual Nationality	Single Nationality
A person is legally recognized as a national of two countries at the same time.	A person is legally recognized as a national of only one country.
Can happen automatically, like being born in a foreign country to parents with different nationality laws.	Based on one set of nationality laws, usually by birth or descent from parents of the same nationality.
Dual nationals have the rights and responsibilities in both countries.	A person with single nationality has rights and responsibilities only in their own country.
Example: A child born in the U.S. to Italian parents may be both a U.S. national and an Italian national.	Example: A person born in Japan to Japanese parents would typically only have Japanese nationality.
Dual nationality can sometimes cause conflicts, such as in military service or taxes, as laws may differ.	Single nationality avoids these conflicts, as the person is subject to only one country's laws.
In some cases, one of the countries may not allow dual nationality, making it difficult to hold both.	Single nationality doesn't face such issues, as only one country's nationality laws apply.

## 8) What is the relationship between International law and Municipal law?

The relationship between international law (laws that govern countries' interactions) and municipal (or domestic) law (laws within a country) is explained mainly by two theories: **Monism** and **Dualism**.

- Monism** believes that international and domestic law are part of a single legal system. In monist countries, once a treaty is signed, it directly becomes part of domestic law without needing new laws to be passed. In this system, if international law and domestic law conflict, international law usually takes precedence.
  - Example:** In countries like France, Germany, and Belgium, if a treaty is signed, it automatically becomes enforceable in domestic courts. In this view, if there's a conflict, international law typically overrides domestic law.
- Dualism** treats international law and domestic law as separate systems. In dualist countries, a treaty or international rule does not become part of domestic law automatically. It requires the government to pass a new law to incorporate that international rule into the domestic system.
  - Example:** India follows dualism. If the government signs an international treaty, the Parliament must pass a law to make it applicable domestically. In India's Constitution, Article 253 says that international treaties require an act of Parliament to be applied at home.

<b>Monism</b>	<b>Dualism</b>
International and domestic laws are part of a single legal system.	International and domestic laws are treated as separate legal systems.
International law directly applies in the country once a treaty is ratified, without needing new domestic legislation.	International law needs to be translated into domestic law through new legislation to be enforceable domestically.
International law usually takes precedence over domestic law if there is a conflict.	Domestic law takes priority unless a law is passed to incorporate the international law.
Examples of monist countries: France, Germany, Belgium.	Examples of dualist countries: India, United Kingdom.
Famous supporters: Hans Kelsen, who argued that international law should be above domestic law.	Famous supporters: Heinrich Triepel and Oppenheim, who saw international and domestic law as independent systems.
Example: In France, once a treaty is signed, domestic courts can apply it directly.	Example: In India, treaties require Parliament to pass a law before they are enforceable in domestic courts.

## 9) Explain the Recognition of states and Governments.

### Recognition of states:

- When a new state is formed, such as from the splitting or disintegration of an existing state, it needs recognition from other countries to be considered a full member of the international community.
- For example, after Yugoslavia broke up in the 1990s, new states like Croatia, Slovenia, and Bosnia and Herzegovina emerged. They needed recognition to participate internationally.
- Recognition of a state confirms its **international legal personality**, meaning it has the ability to hold rights, responsibilities, and the power to claim its rights under international law.

**The recognition of states in international law is guided by two main theories:**

<b>Declaratory Theory</b>	<b>Constitutive Theory</b>
A state exists once it meets objective criteria (territory, population, government, capacity for relations), regardless of recognition by other states.	A state only becomes a full member of the international community when recognized by other states.
Recognition is merely an acknowledgment of an existing fact and does not affect the state's existence.	Recognition by other countries is essential to give the new state or government full international status and legal personality.
Commonly applied to the emergence of new states where recognition is delayed but state functions are active.	Essential for a state or government to gain full legal standing internationally, impacting its participation in treaties and international forums.
<b>Example:</b> Bangladesh declared independence from Pakistan in 1971, it functioned as a state even before being widely recognized. Under the declaratory theory, Bangladesh's statehood existed as long as it met the basic criteria, and recognition was a formality.	<b>Example:</b> After World War II, the state of Israel was created in 1948, and its statehood became effective as other countries recognized it. Some countries still do not recognize Israel, limiting its relations in certain parts of the world. According to the constitutive theory, recognition by other states is essential for full statehood in the international arena.

### Recognition of Governments:

- It means acknowledging the authority of a new government to represent its country in international relations.
- This is typically relevant when a government comes to power in an unusual way, like through a revolution or military coup.
- For example, after the Communist Party took control in China in 1949, the United States did not immediately recognize this new government, although China was still seen as a state.

## Recognition of governments can take several forms:

Type of Recognition	Description	Example
<b>De Jure Recognition</b>	Formal acknowledgment of the government's legitimacy and authority under international law.	U.S. officially recognized the Communist government of China in 1979, granting it full legitimacy.
<b>De Facto Recognition</b>	Acknowledgment that the government controls territory and maintains order, but not fully accepted as legitimate.	The Taliban's control of Afghanistan in 2021 was recognized de facto by some countries, but not yet fully legitimate.
<b>Non-Recognition</b>	Occurs when a government is not acknowledged, often due to illegitimacy, use of force, or violations of international norms.	The U.S. did not recognize the Taliban government after 1996 due to human rights violations and illegitimacy.

### 10) What are the forms of Recognition?

Recognition simply is a declaration of existence. Even though a state or government already exists before recognition, recognition brings more power and unity.

#### Forms of Recognition:

- a. **Express recognition:** When an existing state recognises the new state by announcing the intention of recognition.
- b. **Implied recognition:** It results from any act that implies recognising the new state.
- c. **Conditional recognition:** It implies that the recognition granted is subject to the fulfilment of certain conditions of the recognised state, in addition to the normal requirements of statehood. Conditional recognition is not in practice now.
- d. **Premature or precipitate recognition:** It is granted even when a state does not possess all the attributes of statehood.

### 11) Discuss the various sources of International law.

International law consists of rules and principles that regulate the relationships and interactions between states and other global entities. Its primary purpose is to ensure peace, security, and justice worldwide. The sources of international law are drawn from a variety of treaties, customs, and practices that are widely recognized.

(cheat code-"C-T-G-J-W-E-R")

Source	Description	Example
<b>Customary International Law</b>	<p>Customary international law refers to legal norms that have developed over time through the consistent and general practice of states, accompanied by a belief that such practices are legally obligatory (opinio juris). Unlike treaties, customary law is not written down or codified in agreements. Instead, it evolves from the regular behavior of states, which over time becomes accepted as binding.</p> <ul style="list-style-type: none"> <li>• For a practice to be recognized as customary international law, two conditions must be met: <ol style="list-style-type: none"> <li>i. <b>General Practice:</b> The behavior must be widespread and repeated by states across the globe.</li> </ol> </li> </ul>	Diplomats, representing their countries, are immune from arrest or detention in the host country. This is not written in any specific treaty, but it is universally accepted by states as a necessary practice in international relations.

	<p>ii. <b>Opinio Juris:</b> States must believe that such behavior is required by law, not just as a matter of courtesy or convenience.</p>	
<b>Treaties</b>	<p>A treaty is a formal, legally binding agreement between two or more states or international organizations. Treaties can cover a wide range of issues, such as trade, security, human rights, and environmental protection. Once signed and ratified, treaties impose legal obligations on the parties involved, and they must comply with the terms laid out in the treaty.</p> <p>Treaties are typically written agreements, and they are the most straightforward and commonly recognized source of international law.</p> <p>Treaties are generally negotiated and signed by representatives of the states involved, and after signing, each country must ratify the treaty according to its own legal processes (e.g., parliamentary approval) before it becomes legally binding.</p>	<p><b>Paris Agreement:</b> In 2015, countries around the world signed this treaty to combat climate change by limiting global temperature rise. By ratifying the treaty, these countries agreed to reduce their carbon emissions and work together to address environmental issues.</p>
<b>General Principles of Law</b>	<p>General principles of law refer to fundamental legal norms that are common across the legal systems of most nations. These principles are used by courts to fill in gaps in international law when there is no specific rule or treaty addressing a particular issue. They serve as a guide for interpreting laws and resolving disputes.</p> <p>These principles are considered universal and apply regardless of a country's specific legal system or culture. They help ensure consistency, fairness, and justice in international relations.</p>	<p><b>Due Process</b> in legal proceedings, which is common in both domestic and international law. This principle ensures that individuals are treated fairly, are given notice of charges against them, and have the opportunity to defend themselves before a decision is made in legal matters.</p>
<b>Judicial Decisions</b>	<p>Judicial decisions, especially those from international courts and tribunals, play a crucial role in interpreting and developing international law. These decisions help clarify the meaning of existing laws and principles, and they often set precedents that guide future legal interpretations. International courts, such as the <b>International Court of Justice (ICJ)</b> and <b>International Criminal Court (ICC)</b>, make binding decisions that influence the application of international law.</p> <p>Judicial decisions are considered secondary sources of law because they do not create new laws but provide authoritative interpretations and guidance on existing legal principles.</p>	<p><b>ICJ</b> ruling in the case of <b>Nicaragua v. United States</b> (1986). The court ruled that the U.S. violated international law by supporting rebels in Nicaragua and ordering that the U.S. must cease its actions. This decision helped shape how states should respect the sovereignty of other nations.</p>
<b>Writings of Jurists</b>	<p>The writings of jurists, also known as legal scholars or academics, significantly influence the development and interpretation of international law. These writings provide in-depth analysis, commentary, and interpretation of legal issues, treaties, and customary practices. While not legally binding, these writings are highly respected and often referenced by courts and international bodies when making decisions.</p> <p>Legal scholars help clarify complex legal questions, suggest reforms, and highlight gaps or ambiguities in international law.</p>	<p>One of the most renowned international law scholars, <b>Hersch Lauterpacht</b>, has written extensively on topics like the rights of states and individuals in international law. His works are frequently cited</p>

		in legal cases and discussions.
<b>Equity</b>	<p>Equity refers to the principle of fairness in law. In cases where there is no clear rule or law to apply, or where applying a rule may lead to an unfair result, equity allows courts to make decisions based on what is just and fair for all parties involved.</p> <p>In international law, equity is used to resolve disputes when existing laws or treaties do not provide a clear solution. This principle helps ensure that justice is served, even in complex or ambiguous cases.</p>	<p>A situation where two neighboring countries share a river. If one country builds a dam that harms the water supply of the other, equity would help ensure a fair solution by considering the needs and rights of both parties, rather than simply applying a rigid rule that might favor one country over the other.</p>
<b>Resolutions of the General Assembly</b>	<p>The <b>United Nations General Assembly (UNGA)</b> passes resolutions that are not legally binding but hold significant weight in international relations. These resolutions represent the collective views of the member states and help shape international norms and policies. While they do not have the force of law, they play a critical role in setting global agendas and influencing the behavior of states.</p> <p>Resolutions of the UNGA often reflect the consensus of the international community on important global issues, such as human rights, environmental protection, or the peaceful resolution of conflicts.</p>	<p><b>UNGA Resolution 70/1:</b> which adopted the <b>2030 Agenda for Sustainable Development</b>. This resolution outlined the Sustainable Development Goals (SDGs) to address global challenges such as poverty, inequality, and environmental degradation.</p>

## 12) What do you understand by the term Convention?

A Convention is a formal agreement between countries that establishes rules or standards on specific issues. Conventions are usually created under the guidance of international organizations, such as the United Nations, and are open for countries to sign and agree upon. Once signed and ratified by a country, a convention can become part of that country's legal framework, and the country agrees to follow the rules and standards set in the convention. Conventions can cover a wide range of issues, such as human rights, environmental protection, trade, and labor rights.

## 13) Explain the principle of Jus cogens

- Jus Cogens means certain rules in international law that are so important that no country can break them.
- These rules are accepted by all countries, and no one can agree to violate them.
- Jus Cogens help protect human rights and maintain peace in the world.
- To change a Jus Cogens rule, a new, equally important rule must replace it.
- Article 53 of the **Vienna Convention** makes treaties that violate Jus Cogens invalid.

### Examples:

- **Genocide:** Killing or harming groups of people on purpose is not allowed.
- **Torture:** Torturing people for any reason is prohibited.
- **Slavery:** No one can own another person.
- **Unlawful Use of Force:** Countries can't attack others without a good reason.

## 14) Explain the principle of Opinio Juris

- **Opinio Juris** means a belief that a practice is required by law.

- Countries follow practices because they think they are legally obligated to do so.
- This principle is important for recognizing customary international law.
- Opinio Juris helps turn habits into legal norms.
- An example is **diplomatic immunity**, where countries protect diplomats.
- Another example is treating **human rights** as a legal duty.
- A practice is not a law unless countries believe it is required by law.
- Opinio Juris works with **customary international law**.
- It ensures that countries follow international norms for legal reasons.
- Without opinio juris, a practice cannot become a legally binding norm.

### 15) Write a short note : Optional Clause

The Optional Clause is a part of the rules for the International Court of Justice (ICJ). It lets countries choose whether or not they want to accept the court's authority to settle certain legal disputes. If a country agrees to the Optional Clause, it means they are willing to let the ICJ handle certain cases, like those involving international laws or treaties. However, countries can set limits on what types of cases they are willing to accept. The Optional Clause helps encourage peaceful solutions to conflicts, but not all countries agree to it, and some only agree with conditions.

### 16) What did the ICJ say about the formation of customary international law in the North Sea Continental Shelf Case (1969)?

In the **North Sea Continental Shelf Case (1969)**, the **International Court of Justice (ICJ)** explained how customary international law is formed. The court said that to form a rule of customary international law, two things are needed:

1. **State Practice:** Countries must repeatedly follow a certain practice.
2. **Opinio Juris:** Countries must believe that they are legally required to follow this practice, meaning they feel it is an obligation under international law.

The case involved the continental shelf between Denmark, the Netherlands, and Germany. Denmark and the Netherlands argued that the equidistance principle (a rule for drawing maritime boundaries) should be followed. However, Germany disagreed, claiming the principle was not a mandatory rule for delimiting boundaries.

The ICJ ruled that just the practice of using the equidistance principle was not enough to make it a customary law. The court noted that for a practice to become customary international law, it must be supported by opinio juris - a belief that the practice is legally required. In this case, the court found that countries had not shown they considered the equidistance principle to be a legal obligation.

### 17) How do treaty law and customary international law relate to each other, and what did the ICJ say about this in the Nicaragua Case (1986)?

#### Treaty Law and Customary International Law Relationship:

- 1) **Treaty Law:** Treaties are formal agreements between states that may either codify (write down) existing customary law or create new laws.
- 2) **Customary International Law:** These are rules formed by the consistent actions and beliefs of states over time. For a rule to become customary law, states must follow it believing it is legally required (opinio juris).
- 3) A treaty can turn into customary law if enough states agree to it and practice it, even if they are not parties to the treaty.

#### Nicaragua Case (1986):

- Nicaragua sued the United States in 1986, claiming that the U.S. was violating international law by helping rebel groups try to overthrow the Nicaraguan government.
- Nicaragua argued that the U.S. was breaking important international rules, like the prohibition against using force and interfering in another country's affairs.
- The United States argued that the **International Court of Justice (ICJ)** should not take the case. They said the court couldn't rule because there was a rule that all countries affected by a treaty must be involved in the case. Since more than 150 countries could be affected, the U.S. said it would be impossible to bring them all into the case.
- The ICJ disagreed with the U.S. The Court said that the rules about not using force and not interfering in other countries' business were part of **customary international law**. This means these rules apply to all countries, whether or not they are part of a specific treaty like the **UN Charter**.
- Customary international law consists of rules that countries follow because they believe they are required to, even without a written agreement or treaty.
- The Court also explained that sometimes the rules in treaties and customary international law are the same. However, when there is a conflict, the rules in treaties apply to the countries that signed the treaty, while customary law applies to all countries, including those that didn't sign the treaty.
- The Court concluded that the rules against using force and interfering in other countries' affairs, found in the **UN Charter**, are also part of customary international law. This means they apply to all countries, even if they aren't part of the UN.
- The case showed that **customary international law** is just as important as treaty law. Even if a country hasn't signed a treaty, they must still follow international rules if they are part of customary law.

### **18) Explain the S.S. Wimbledon Case (1923) and its significance in international law.**

- In 1921, during the Russo-Polish War, Germany refused to let the British ship, S.S. Wimbledon, pass through the Kiel Canal.
- The ship was carrying military supplies to Poland, and Germany, which declared neutrality in the war, didn't want to allow such cargo.
- The British, French, Italian, and Japanese governments argued that Germany was violating the Treaty of Versailles, which required the Kiel Canal to be open to all countries at peace with Germany.
- Germany argued that its neutrality order meant it didn't have to allow military supplies to pass, despite the Treaty.
- The Permanent Court of International Justice ruled that Germany had to allow the S.S. Wimbledon to pass.
- The court's decision established that international treaties, like the Treaty of Versailles, take precedence over individual state orders, such as Germany's neutrality order.
- This case showed that a state's sovereignty over its waterways is limited by international law and treaties, and international agreements have higher authority than a country's individual laws or orders.

### **19) What was the outcome of the ICJ Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons in 1996?**

- In 1996, the International Court of Justice (ICJ) was asked whether the use or threat of using nuclear weapons was illegal under international law. The Court looked at state practices, such as the fact that no country had used nuclear weapons since 1945, and whether countries had the right to use them in self-defense.
- Some countries believed that not using nuclear weapons since World War II showed a shared belief that they should not be used. Other countries argued that nuclear weapons were kept for deterrence, meaning countries kept them to prevent attacks, not to use them.
- The Court found that there was no clear agreement among states. Some countries wanted a legal ban on nuclear weapons, while others thought deterrence was still acceptable. The Court decided that there was not enough proof to say that using nuclear weapons was always illegal under international law, but it also said that in some situations, their use might violate the rules of war.
- the Court could not definitively say that nuclear weapons were illegal in all situations, but it recognized a strong desire from many countries to make them illegal.

## 20) What is the composition of the International court of justice.

- The International Court of Justice (ICJ) is composed of 15 judges.
- Judges are elected for a nine-year term by the United Nations General Assembly and Security Council.
- Judges are selected based on their legal expertise and represent a wide range of global legal systems.
- No two judges can be from the same country.
- Judges serve independently and do not represent their governments.
- The ICJ elects a president and vice-president from among the judges, serving three-year terms.
- The judges are responsible for settling disputes between states and providing advisory opinions on legal questions.

## MODULE 2

### 1. Explain Territory. Explain modes of acquisition and loss of territory.

State territory is the area or land that belongs to a country, over which it has control and authority. This includes both land and waters within the country's recognized boundaries. A state needs its territory to function properly, as it is essential for governing, making laws, and fulfilling international responsibilities.

**Acquisition of territory means a country can gain control over new land in several ways:**

Mode	Detail Explanation	Examples
<b>Treaty</b>	States can acquire territory through agreements with other countries, like peace treaties.	When France ceded Louisiana to the United States in the 1803 Louisiana Purchase Treaty.
<b>Occupation</b>	Acquiring territory that is not controlled by any state, usually land with no owner.	The colonization of Australia by the British in the 18th century.
<b>Accretion</b>	Gaining territory due to natural changes, like land created by river deposits or soil.	The growth of land in the Netherlands due to river deposits.
<b>Annexation</b>	Forcibly taking control of another state's territory, usually after a conflict.	The annexation of Crimea by Russia in 2014.
<b>Prescription</b>	Gaining territory by continuous and peaceful possession over a long period of time.	The United States gaining control over Puerto Rico by continuous administration since 1898.

**Loss of Territory refers to a situation where a state loses control over part or all of its land. This can happen in several ways:**

Mode	Explanation	Example
<b>Cession</b>	A state voluntarily gives up or transfers part of its territory to another state, often through a treaty.	Spain ceded Florida to the United States in 1819 under the Adams-Onís Treaty.
<b>Secession</b>	A part of a state declares independence and forms a new state.	South Sudan seceded from Sudan in 2011 to become an independent country.
<b>Subjugation</b>	A state loses territory through military force or occupation by another state.	Germany lost territory after World War II, including the loss of East Prussia to Poland.
<b>Territorial Changes</b>	Adjustments or changes in borders due to negotiations or international agreements.	The border changes between Germany and Poland after World War II, when some territories were transferred to Poland.

### 2. What are the attributes of a State?

The attributes of a state are the essential qualities or characteristics that make a state recognized and functional in international law.

- a. **Sovereignty:** A state has the ultimate authority to govern itself and make decisions without interference from other states. For example, India has the right to make its own laws and policies without outside control.
- b. **Territory:** A state must have a defined geographic area with recognized borders. For example, the United States has defined borders with Canada and Mexico.
- c. **Population:** A state must have people living within its borders. The people can be of various ethnicities, cultures, and religions. For example, Japan has a population of over 100 million people.
- d. **Government:** A state needs a system of government to make laws, enforce them, and maintain order. For example, the United Kingdom has a parliamentary system with a prime minister and a monarch.
- e. **Recognition:** For a state to be recognized in the international community, other states must acknowledge its existence and sovereignty. For example, the recognition of South Sudan as a state in 2011.
- f. **Ability to Enter into Relations with Other States:** A state must have the power to engage in international relations, sign treaties, and participate in international organizations. For example, Brazil participates in the United Nations and signs trade agreements with other countries.

### 3. Write a short note on : Island of Palmas Case

The Island of Palmas Case (1928) was a dispute between the United States and the Netherlands over a small island in the Pacific Ocean. Both countries claimed the island, but the case was taken to the Permanent Court of Arbitration to decide who had the right to it.

The United States said the island was part of the Philippines, which it had gotten from Spain. The Netherlands, however, argued that it had been in control of the island for a long time, even before the U.S. took over the Philippines.

The court decided in favor of the Netherlands. It said that the Netherlands had controlled and used the island for many years, which gave it the right to own it. This case showed that actual control over a land is an important factor in deciding who owns it, not just the claim of discovery or past ownership. This decision helped clarify how countries should prove ownership of land.

### 4. Write a short note on Corfu channel case.

- a. The Corfu Channel Case (1949) involved a dispute between the United Kingdom and Albania.
- b. It arose when British warships were damaged by mines in Albania's Corfu Channel in 1946.
- c. The UK claimed Albania was responsible for the mines, as they were laid in Albanian waters without warning.
- d. Albania argued that it had no knowledge of the mines being placed.
- e. The International Court of Justice (ICJ) ruled that Albania was responsible for not warning the UK about the mines.
- f. The Court stated that Albania violated international law by not notifying ships of the danger in its waters.
- g. The ruling emphasized the importance of freedom of navigation and the duty of states to ensure the safety of international waterways.
- h. Albania was ordered to pay compensation to the UK for the damages caused by the mines.

### 5. Explain State Jurisdiction

State jurisdiction refers to a state's legal authority to make and enforce laws within its territory, over its people, and even over activities outside its borders in some cases. It is a fundamental concept of sovereignty, meaning that a state has the power to control its own affairs without interference from others. A state can use its jurisdiction in various ways, such as passing laws, enforcing rules, collecting taxes, or controlling actions within its borders. For example, a country has the right to prosecute someone who commits a crime within its borders, like a person who steals in a city or breaks local laws. However, state jurisdiction can also extend to cases involving its nationals or interests abroad, and international law sometimes sets limits on how far a state can exercise jurisdiction outside its borders.

## 6. What is Territorial Jurisdiction of the States?

Territorial jurisdiction is the authority of a state to govern and enforce laws over the people, property, and events within its physical borders. This means that a country has control over all activities and actions that happen within its territory, whether it's land, sea, or airspace. For example, in the case of UK vs. Norway (North Atlantic Fisheries Case), the United Kingdom argued that Norway was violating international law by claiming a part of the sea for its own fishing activities. However, the court decided that Norway's claim was valid under international law for the sea space in question, which shows that the state has the right to manage its territorial waters and determine its boundaries.

## 7. What is Criminal Jurisdiction and Kinds of Criminal Jurisdiction?

Criminal jurisdiction is the authority of a state to prosecute crimes committed within its territory or by its nationals abroad. It allows courts to try individuals for criminal offenses, whether the crime occurred inside the country or outside. There are different types of criminal jurisdiction:

- **Territorial jurisdiction** allows a state to prosecute crimes that happen within its borders. For example, in the case of Mubarak Ali Ahmad vs. the State of Bombay, the court decided that even though the accused was not present in India when the fraud took place, he could still be tried in India because the crime affected people in India.
- **Nationality jurisdiction** lets a state prosecute its own nationals for crimes committed abroad. For example, if a British citizen commits a crime in another country, the UK may choose to try that person under its laws.
- **Universal jurisdiction** allows a state to prosecute certain crimes, like war crimes or crimes against humanity, regardless of where the crime occurred or the nationality of the criminal. This principle is important for punishing global crimes that affect the international community.

In the SS Lotus case, Turkey exercised criminal jurisdiction over a French national who caused an accident on the high seas. The court ruled that Turkey had the right to do this because the accident happened in waters that were under Turkey's jurisdiction.

## 8. What are the Struggles/Conflicts that Emerged in Jurisdiction?

Jurisdiction conflicts often happen when two or more states claim the right to handle the same case or person. This can occur in cases where a crime is committed in one country, but the criminal or the victim is from another country. For example, if a person from country A commits a crime in country B, both countries might want to prosecute the individual. This conflict can lead to legal issues about which country has the authority to handle the case. Another conflict arises when one country tries to exercise jurisdiction over actions that happen outside its borders but still affect its interests. These issues are usually resolved through international agreements or courts that decide which country has the right to act. A well-known example is the case of the US and Nicaragua, where the United States had actions in Nicaragua, and the court ruled that the US violated international law by intervening in Nicaragua's internal affairs.

## 9. What are the Immunities from Jurisdiction?

Type of Immunity	Explanation	Example
<b>Sovereign Immunity</b>	Sovereign immunity protects a state (or its government) from being sued or prosecuted in another state's court without its consent. It is based on the principle that a state is equal to others and should not be subject to the legal processes of another state.	A country cannot be sued in the courts of another country unless it agrees to be. For example, the United States cannot be sued in the courts of India unless both countries agree to it.
<b>Diplomatic Immunity</b>	Diplomatic immunity provides legal protection to diplomats and embassy staff, ensuring that they cannot be arrested or prosecuted by the host	A diplomat from France in the US cannot be arrested or prosecuted for a traffic violation in the US due to diplomatic immunity. Even

	country. This is to allow diplomats to perform their duties without fear of legal interference.	if the diplomat commits a crime, they can only be expelled, not prosecuted.
<b>Consular Immunity</b>	Consular immunity is similar to diplomatic immunity but is more limited. It applies to consular officials who work at embassies or consulates, protecting them from certain legal actions in the host country. However, it does not offer the same level of immunity as diplomatic immunity.	A consular official from the UK in Japan can enjoy some immunity for their official duties, but they might not be fully exempt from criminal prosecution if they break Japanese laws, unlike a diplomat.
<b>Head of State Immunity</b>	Head of State immunity protects sitting heads of state from prosecution or civil lawsuits while in office. This immunity is based on the idea that heads of state should not be subject to the legal systems of other countries.	A sitting president of the United States cannot be prosecuted in a foreign country while they are in office, even if they commit a crime abroad. For example, President Trump or any sitting head of state has immunity from prosecution while serving.

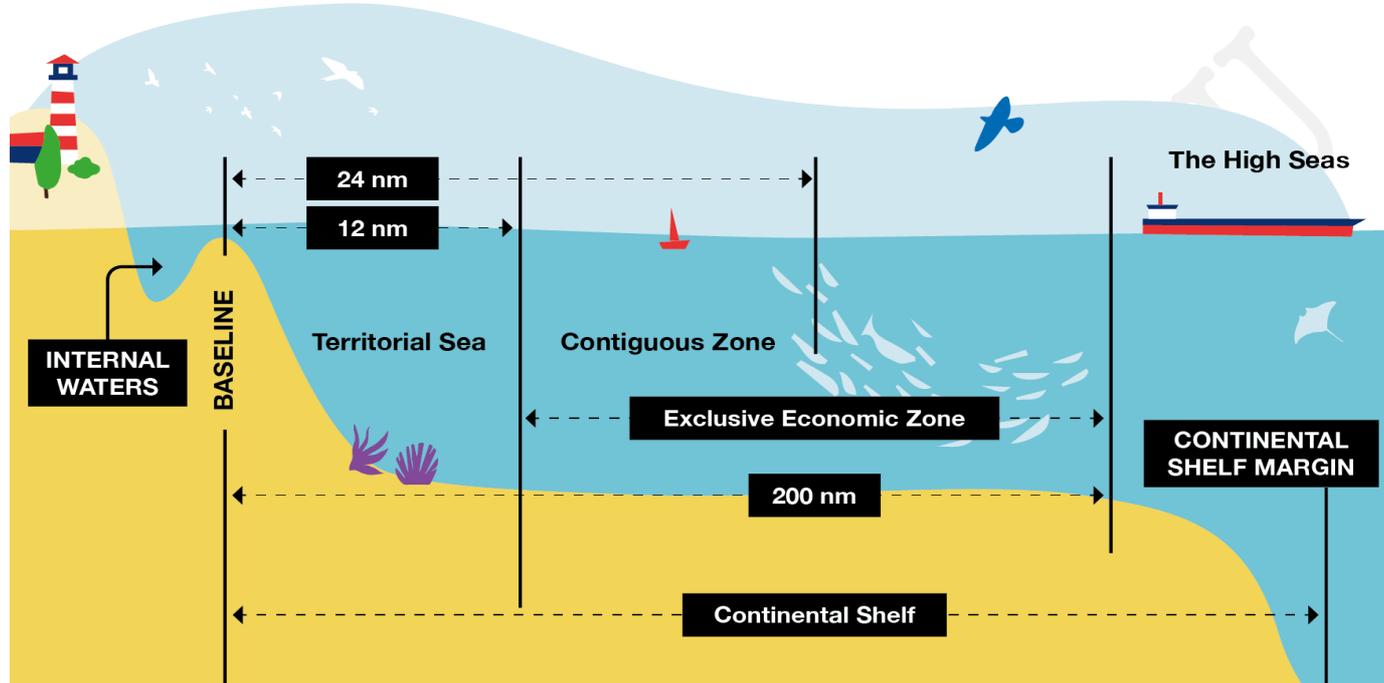
### 10. what is state responsibility? and explain kinds.

State responsibility refers to the situation when a country is held accountable for violating international law or harming another state. It means that when a country (the "injured state") suffers damage due to another country's actions, it has the right to demand compensation or redress for the harm caused. This principle ensures that states are held responsible for their wrongful actions, whether those actions are committed directly by state organs or indirectly by others within the country.

Type of Responsibility	Explanation	Example
<b>Direct Responsibility</b>	This happens when the state, through its official organs, agencies, or departments, violates international law. The state is directly responsible for the harm caused.	- If the head of the state signs a treaty and later breaks it, the state is responsible. - If the armed forces violate an international agreement, the state is responsible.
<b>Executive/Administrative Departments</b>	The departments or officials who manage the day-to-day work of the state can also be held responsible if they violate international obligations.	- If a government official violates a treaty, the state is directly responsible. - If the head of a department breaches international laws, the state must take responsibility.
<b>Acts of Judiciary</b>	If courts or judges pass decisions that violate international law, the state is directly responsible for those violations.	- If a court passes a ruling that goes against an international treaty or agreement, the state is responsible for the harm caused.
<b>Acts of Armed Forces</b>	If the armed forces, under the state's command, violate international law, the state is held directly responsible.	- If military forces act in violation of a peace agreement, the state is directly accountable for the breach.
<b>Diplomatic Representatives</b>	If a diplomatic representative (e.g., an ambassador) commits an unlawful act on behalf of the state, the state is directly responsible.	- If an ambassador violates international law on instructions from the state, the state is responsible, not the ambassador.
<b>Indirect Responsibility (Vicarious Liability)</b>	If non-authorized individuals (e.g., citizens, foreigners, or groups) violate international law, the state may be held indirectly responsible.	- If a citizen of a country commits an act that violates another country's rights, the state may be indirectly responsible.
<b>Acts of Mob</b>	When a group or mob violates international law, the state may be held	- If a mob harms foreign diplomats or property, the state may be held

	indirectly responsible for not preventing the action.	responsible for failing to control them.
<b>Insurgents</b>	If insurgents or rebel groups violate international law, the state could be indirectly responsible if it fails to stop them.	- If insurgents cause harm in a neighboring country and the state does not take action, it may be blamed.

## Maritime Zones



### 11. What is national waters?

National waters, also called territorial waters, are the areas of water that are under the jurisdiction and control of a specific country. These waters extend from a country's coastline out to a certain distance—usually up to 12 nautical miles (about 22 kilometres) from the shore, as defined by international law. Within national waters, the country has full sovereignty, meaning it can enforce its laws, regulate resources, and control activities like fishing, shipping, and resource exploration. Beyond national waters lie international waters, where no single country has control.

### 12. Discuss "The Law of the Sea- (Law of Sea Convention 1982)"

- The United Nations Convention on the Law of the Sea (UNCLOS) of 1982 is a key international treaty that sets rules for the use of the world's oceans.
- UNCLOS defines different zones in the ocean, including territorial seas, exclusive economic zones (EEZs), and the high seas.
- Coastal countries have full rights in their territorial seas, which extend up to 12 nautical miles from their coastlines, and can control activities like navigation, fishing, and resource use in this area.
- In the exclusive economic zone (EEZ), which extends up to 200 nautical miles from a country's coast, the coastal nation has rights to explore and use marine resources, but other countries can still pass through freely.
- UNCLOS also covers the continental shelf, allowing countries to access resources on the seabed within this zone.
- The convention emphasizes the protection of the marine environment, requiring countries to prevent pollution and manage ocean resources responsibly.
- Activities on the high seas, which are beyond national jurisdiction, are open to all countries under UNCLOS but must be done sustainably.
- UNCLOS has set up peaceful ways to resolve disputes between countries, often through international courts.

- By defining these zones and responsibilities, UNCLOS balances national rights with global cooperation, making it the foundation of maritime law and encouraging fair, sustainable ocean use for all.

### **13. Write a note on " Dispute settlement under UNCLOS"**

- UNCLOS helps solve problems between countries about the use of oceans and their resources.
- It offers ways to settle disputes, like talking it over, getting help from others, or going to court.
- ITLOS (International Tribunal for the Law of the Sea) is a special court for ocean-related issues, like fishing rights or boundaries.
- Countries can also take their disputes to the International Court of Justice (ICJ), if they agree to do so.
- Countries can set up an arbitral tribunal, a group of experts to solve specific problems, like dividing ocean areas.
- The Conciliation Commission suggests solutions, but the parties don't have to accept them.
- UNCLOS requires countries to use these methods for certain disputes, especially about borders or the environment.
- However, some countries may not follow the decision if they disagree. For example, in the South China Sea dispute, the Philippines took China to court, and the court ruled in favor of the Philippines, but China refused to accept the decision, showing that it can be hard to make countries comply with international rulings.

### **14. What is a landlocked state? Discuss the Rights & Duties of landlocked states & coastal state?**

- A landlocked state is a country completely surrounded by land, with no direct access to the sea. For example, countries like Nepal, Switzerland, and Bolivia are landlocked.
- Landlocked countries rely on nearby coastal nations to access the ocean for maritime trade.
- Under the United Nations Convention on the Law of the Sea (UNCLOS), landlocked countries have rights to access the sea through the territories of their neighboring coastal states.
- These rights include "transit rights," which allow landlocked countries to transport goods and people across neighboring countries to reach ports.
- Landlocked states must notify their neighboring countries of their need for transit access and work together to ensure smooth passage.
- Coastal countries, in turn, have a duty to provide fair access, so long as it does not interfere with their own sovereignty or economic interests.
- Coastal states must keep transit routes open and avoid unfair practices, like blocking or overcharging for access, that could harm the landlocked country's trade.
- Examples include Switzerland using French or Italian ports for trade, and Bolivia negotiating access through Chilean territory.
- By cooperating, both landlocked and coastal countries can strengthen economic ties and support regional stability, allowing landlocked states to participate more fully in global trade.

### **15. Give names of convention which provides use of access of sea to landlocked states.**

- The United Nations Convention on the Law of the Sea (UNCLOS) is the main international treaty that gives landlocked countries a legal framework to access the sea.
- UNCLOS outlines the rights of landlocked states to pass through the territory of neighboring coastal countries to reach the ocean and participate in maritime trade.
- For example, UNCLOS allows countries like Nepal to transport goods through India's territory to access ports.
- Another important agreement, the Convention on Transit Transport of Goods, supports UNCLOS by helping landlocked countries move goods through designated routes in coastal states.
- Together, these agreements help landlocked countries gain fair access to the sea, which increases their trade and economic growth.
- For instance, Switzerland uses transit routes through France and Germany to reach sea ports for global trade.
- These conventions promote fairness by ensuring that landlocked nations have ways to reach the sea and access global markets.

## 16. Explain the term "Territorial waters"

- Territorial waters are a maritime zone that extends up to 12 nautical miles from a country's coastline, measured from the low-water line.
- In this area, the coastal state has full control over the airspace, water, and seabed, similar to its land territory.
- This control allows the country to regulate activities like navigation, fishing, and resource extraction in these waters.
- For example, India exercises its right to monitor fishing and oil drilling within its 12-mile territorial waters.
- Foreign vessels are allowed to pass through territorial waters under "innocent passage," meaning they can navigate these waters as long as they don't harm the coastal state's security or environment.
- Territorial waters help countries protect their security, economy, and environment by creating a buffer zone where they can enforce their laws.
- For instance, Japan uses territorial waters to regulate ship traffic and protect its coastal ecosystems.
- This zone is key for ensuring a nation's rights and safety along its coastline while allowing controlled access for international vessels.

## 17. What is territorial sea? Explain the various freedoms of High seas with appropriate examples?

- The territorial sea extends up to 12 nautical miles from a country's baseline, where the coastal state has sovereignty like over its land.
- In the territorial sea, the coastal state can regulate activities like navigation, fishing, and resource extraction, while allowing foreign vessels the right of "innocent passage."
- Beyond national jurisdictions are the high seas, where several freedoms apply under international law.

### Freedom on the High Seas:

- Freedom of Navigation:** Ships from any country can sail through the high seas freely, following international rules. For example, commercial ships can cross the Atlantic Ocean without restrictions.
- Freedom of Overflight:** Aircraft from any country can fly over the high seas without needing permission from other states.
- Freedom to Construct Submarine Cables and Pipelines:** Nations can lay undersea cables and pipelines on the high seas, such as transatlantic fiber-optic cables, which support global internet connections.
- Freedom of Fishing:** Countries can fish in the high seas as long as they follow international agreements to prevent overfishing and protect fish stocks.
- Freedom of Scientific Research:** Scientists from any country can conduct research on the high seas, studying marine ecosystems and biodiversity. For example, marine biologists study ocean health and species on the high seas, benefiting global conservation efforts.

## 18. What is innocent passage?

- Innocent passage is the right of foreign ships to travel through a coastal state's territorial waters without activities that threaten the coastal state's peace, security, or environment.
- This passage must be continuous, without stops, and cannot involve activities like fishing, spying, or military actions.
- For example, a commercial ship passing through a nation's territorial sea en route to another port is practicing innocent passage.
- While in innocent passage, vessels must follow the coastal state's laws, such as speed limits or pollution controls.
- This right allows international shipping to move smoothly while respecting coastal states' sovereignty and security.
- Innocent passage balances freedom of navigation with the coastal state's right to manage and protect its territorial waters.

## 19. Write a short note : Passage through International Straits.

Passage through international straits refers to the right of ships to pass through narrow sea routes that connect two large bodies of water, which are shared by more than one country. These straits are important for international shipping and trade. Under international law, specifically the United Nations Convention on the Law of the Sea (UNCLOS), ships from all countries are allowed "innocent passage" through these straits, meaning they can travel through them as long as they do not harm the peace, security, or environment of the surrounding countries. In some cases, if the strait is used for international navigation, ships may also have the right of "transit passage," which allows them to pass freely even if the strait lies between countries with conflicting interests.

## 20. Explain Maritime zone with examples.

Maritime zones are specific areas of the ocean defined by international law, each with distinct rights and responsibilities for coastal and other states. For example:

### Examples of Maritime Zones:

- **Territorial Sea:** Extends up to 12 nautical miles from the coastline, giving the coastal state full control. For example, France manages its territorial waters around Corsica, regulating shipping and fishing in this area.
- **Exclusive Economic Zone (EEZ):** Reaches up to 200 nautical miles from the coast, where the coastal state has exclusive rights to marine resources. Norway's EEZ in the North Sea allows it to control oil and gas extraction.
- **High Seas:** Located beyond national jurisdiction, open to all countries for activities like fishing and scientific research. For instance, various countries' fleets fish in the high seas of the Pacific Ocean.
- **Continental Shelf:** Extends beyond the EEZ, where the coastal state has rights to resources on the seabed. Australia's continental shelf around its islands allows it to access minerals and hydrocarbons.

## 21. Write a short note on: Contiguous Zone

- The contiguous zone is a maritime area that extends up to 24 nautical miles from a coastal state's baseline, located right after the territorial sea.
- In this zone, the coastal state can enforce laws related to customs, immigration, sanitation, and prevention of unlawful activities like smuggling or drug trafficking.
- For example, if a vessel is suspected of carrying illegal goods, the coastal state can inspect and take action within the contiguous zone.
- Unlike the territorial sea, the contiguous zone does not grant full sovereignty over all activities.
- The primary purpose of the contiguous zone is to help the coastal state ensure security and regulatory compliance close to its borders.
- This zone acts as a buffer, allowing the state to maintain law and order beyond its territorial waters.

## 22. What is continental shelf?

- The continental shelf is the extended perimeter of a continent, submerged under shallow seas called shelf seas.
- It stretches from the coastline to the deeper ocean, typically extending up to 200 nautical miles from the baseline, but it can extend further if the seabed meets certain geological criteria.
- The continental shelf is valuable because it contains resources like oil, natural gas, and minerals.
- For example, the North Sea continental shelf is rich in oil and gas reserves, which are extracted by countries like the United Kingdom and Norway.
- Coastal states have exclusive rights to explore and extract resources from their continental shelf.
- These rights promote economic development but also require responsible management to protect marine ecosystems.

## 23. What is Exclusive Economic Zone?

- The Exclusive Economic Zone (EEZ) extends up to 200 nautical miles from a coastal state's baseline.

- In the EEZ, the coastal state has exclusive rights to explore, exploit, conserve, and manage marine resources like fish, oil, and minerals.
- For example, Japan's EEZ in the Pacific Ocean allows it to regulate fishing and offshore energy projects, ensuring sustainable use.
- Other nations still have the freedom of navigation and overflight within the EEZ, and can lay submarine cables and pipelines.
- The EEZ balances the coastal state's rights to use marine resources with the international community's interests in keeping ocean spaces open and accessible.

#### 24. Discuss about High Seas with relevant examples

- The high seas are areas of the ocean beyond the exclusive economic zones and territorial seas of any country.
- They are not controlled by any single nation and are open to all states, whether coastal or landlocked.
- Freedoms on the high seas include navigation, overflight, fishing, and scientific research.
- For example, fishing vessels from different countries fish freely on the high seas, accessing marine life not restricted to national waters.
- Research ships can conduct studies on marine biodiversity and climate change without needing permission from coastal states.
- The high seas are important for international shipping routes, allowing global transportation of goods.
- Activities on the high seas are regulated by international agreements to prevent overfishing, pollution, and piracy, ensuring these waters remain a shared resource.

#### 25. Discuss provisions of United Nations Convention On Law of the Seas

The United Nations Convention on the Law of the Sea (UNCLOS) establishes a comprehensive legal framework governing all aspects of ocean use and maritime activities. Key provisions include:

- **Maritime Zones:** UNCLOS defines different ocean zones, like territorial seas, contiguous zones, exclusive economic zones (EEZs), and the high seas, each with specific rules for coastal and other states. For example, the U.S. has a 12-nautical-mile territorial sea around its coast.
- **Sovereignty and Rights:** Coastal states control their territorial seas and have exclusive rights over resources in their EEZs and continental shelves. They also allow other nations freedom of navigation and overflight. For instance, China controls the South China Sea's resources but allows other countries to pass through.
- **Environmental Protection:** The convention requires states to protect the marine environment by preventing pollution, conducting environmental impact assessments, and working together on conservation. For example, countries must limit oil spills and reduce pollution from ships.
- **Resource Management:** UNCLOS regulates the exploration and use of marine resources, such as fisheries, oil, and minerals, promoting sustainability. For instance, the EU has fishing quotas in place to prevent overfishing in European waters.
- **Dispute Resolution:** UNCLOS provides ways for countries to peacefully settle disputes through negotiation, arbitration, or courts like the International Tribunal for the Law of the Sea (ITLOS). A notable case is the Philippines' dispute with China over the South China Sea, which was ruled by an ITLOS tribunal.
- **Navigation and Safety:** UNCLOS ensures safe passage for ships and sets rules for maritime traffic, search and rescue operations, and preventing accidents. For example, the International Maritime Organization (IMO) helps regulate safety at sea.
- **International Seabed Authority:** UNCLOS established the International Seabed Authority to manage mineral exploration in deep-sea areas beyond national control, ensuring responsible practices. Countries like Jamaica are involved in managing these resources.
- **Rights of Landlocked States:** UNCLOS guarantees landlocked states access to the sea via neighbouring countries, helping them engage in global trade. For example, Paraguay, a landlocked country, has rights to use the ports of Argentina for shipping goods.

#### 26. Write about Anglo-Norwegian Fisheries Case

- The Anglo-Norwegian Fisheries Case was a dispute between the United Kingdom and Norway in 1951, where the UK challenged how Norway defined its fishing boundaries.
- Norway used straight lines, or “baselines,” to connect points along its coast, which created a fishing area that included fjords and offshore islands, rather than strictly following the coast’s natural shape.
- The UK argued that Norway’s boundaries were too extensive and should follow the coastline’s low-water mark instead.
- The International Court of Justice (ICJ) ruled in favour of Norway, agreeing that it could use straight baselines due to its unique and irregular coastline.
- This decision became a key precedent for maritime boundary law, especially for countries with irregular coastlines, and later influenced the United Nations Convention on the Law of the Sea.

### **27. Define Ozone Depletion**

- Ozone depletion means the thinning of the ozone layer, a protective layer high up in the Earth's atmosphere. This layer absorbs most of the sun’s harmful ultraviolet (UV) rays, which helps protect life on Earth.
- The main reason for ozone depletion is certain man-made chemicals, like CFCs (found in old fridges, air conditioners, and spray cans). When these chemicals reach the upper atmosphere, sunlight breaks them down and releases chlorine and bromine. These elements then destroy ozone molecules, reducing the thickness of the layer.
- When the ozone layer gets thinner, more harmful UV rays reach Earth, which can increase the risk of skin cancer, eye damage, and can harm plants and sea life. To address this, countries around the world agreed to the Montreal Protocol, an international treaty to phase out ozone-depleting substances, aiming to protect and restore the ozone layer.

### **28. Explain: Hot pursuit**

- Hot pursuit is a principle in international law allowing a coastal state to chase and apprehend a foreign vessel that violates its laws within its territorial waters, even if the vessel escapes into international waters.
- This principle is used to prevent offenders from evading legal consequences by fleeing beyond a state’s jurisdiction.
- For hot pursuit to be legal, it must begin while the foreign vessel is still within the territorial waters or contiguous zone of the coastal state.
- The pursuing state must continuously chase the vessel without interruption, and the pursuit must end if the foreign vessel enters the territorial waters of another country.
- Hot pursuit is commonly used for enforcing laws related to fishing, smuggling, drug trafficking, and other violations of a state’s maritime laws.

### **29. Who are aliens? What are the rights of Aliens? Give any two rights that are not available to Aliens in India.**

- Aliens are people who are citizens of one country but are living or traveling in another country. For example, an Indian citizen visiting the United States is an alien in the U.S.
- Aliens have certain rights in the country they’re in, but these rights depend on the country’s laws and the type of visa or permit they hold.
- Aliens have basic human rights, like the right to life, freedom of speech, and protection from unfair treatment, just like citizens. For instance, they can file a complaint if treated unfairly at work.
- They also have access to some services, like emergency medical care and, in some cases, education.
- Certain rights, like the right to vote or hold government jobs, are usually only for citizens.
- Aliens are expected to follow the host country’s laws and respect its customs and culture.
- Some rights, like the ability to work, require a correct visa or work permit.
- If an alien breaks the law or overstays their visa, the country may restrict or end their stay.

#### **Rights that are not available to Aliens in India:**

- i. **Right to Vote:** Aliens in India do not have the right to vote in elections. Only Indian citizens are allowed to participate in voting for government representatives at the local, state, and national levels.
- ii. **Right to Hold Certain Government Jobs:** Aliens cannot hold certain government positions or jobs in the Indian administration, as these roles are reserved exclusively for Indian citizens.

### 30. What is asylum?

- **Asylum** is protection granted by a country to a foreign person (or "asylum seeker") who has fled their home country due to fear of persecution, war, or danger to their life.
- When someone is granted asylum, they are allowed to live safely in the new country and are protected from being sent back to their home country.
- There are two main types of asylum: **territorial asylum** and **extra-territorial asylum**.
- **Territorial Asylum** happens when a person reaches the country they're seeking asylum in and asks for protection there. For example, if someone travels to Germany seeking safety from war in their home country and is allowed to stay in Germany, they have received territorial asylum.
- **Extra-Territorial Asylum** occurs when a country grants asylum outside its own territory, like at its embassies or consulates abroad. For instance, if someone seeks protection at a foreign embassy within their home country, and the embassy's country agrees to protect them, this is extra-territorial asylum.
- Asylum is a way for countries to help people who are at serious risk and need refuge, offering them a safe place to live and legal protection.

### 31. What is the process of delimitation of maritime boundaries? Why is it important? What are the factors considered in the delimitation of maritime boundaries?

Delimitation of maritime boundaries refers to the process of establishing the boundaries between the maritime zones of two or more coastal states. This includes areas like the territorial sea, exclusive economic zone (EEZ), and continental shelf. Coastal states must agree on where their boundaries lie in order to avoid disputes and ensure the fair use of maritime resources such as fish, oil, and gas.

The delimitation process is important because it clarifies each country's rights over the areas in the sea, preventing conflicts over the use of marine resources. It also helps in determining who has control over certain areas for activities like fishing, shipping, and offshore drilling.

**When delimiting these boundaries, several factors are considered:**

- **Geographical features:** The shape of the coastline and the distance between states can influence where the boundary is drawn.
- **Geological and geomorphological features:** For example, the shape and structure of the seabed (like underwater mountains or ridges) can be taken into account.
- **Economic interests:** States often seek to protect their access to valuable resources found in maritime zones, such as fishing areas or underwater minerals.
- **Equity and fairness:** The principle of fairness ensures that the boundary is drawn in a way that is reasonable for both parties, even if the natural geographical features do not lead to an equal outcome.

### 32. What is the role of international law in delimiting maritime boundaries? How do geographical features impact maritime boundary delimitation?

International law plays a crucial role in the delimitation of maritime boundaries. It provides frameworks and guidelines to ensure that boundaries are drawn in a fair and reasonable way. Key international treaties, like the United Nations Convention on the Law of the Sea (UNCLOS), outline the rules for determining maritime boundaries. These laws help countries avoid conflicts and encourage peaceful negotiations over disputed areas.

Geographical features have a significant impact on how maritime boundaries are determined. The shape of the coastline and the proximity of coastal states influence where the boundary is drawn. For instance, if two countries have coasts that are very close to each other, an equidistance line (a line that is equidistant from both coasts)

might be used to divide the maritime zones. Similarly, if the countries have certain unique seabed features, like underwater ridges or mountains, these features can also affect the boundary. The goal is to ensure the boundary is fair, respecting both the natural features of the area and the interests of the states involved.

### 33. Case laws related to DELIMITATION OF ADJACENT AND OPPOSITE MARITIME BOUNDARIES

Case	Countries Involved	Outcome
<b>North Sea Continental Shelf Case</b>	Germany, Denmark	This case involved a disagreement between Germany and Denmark over the boundary of their continental shelves in the North Sea. The continental shelf is the underwater land that extends from a country's coastline. The two countries couldn't agree on where their boundaries should be. The International Court of Justice (ICJ) decided that the boundary should be based on the natural shape of the seabed, like underwater mountains or ridges, rather than just drawing a simple line in the middle of the sea. Since the coastlines of the two countries were different lengths, the court decided on a solution that was fair to both. The decision was aimed at making sure neither country was unfairly cut off from resources like fish or oil.
<b>Libya v. Tunisia Continental Shelf Case</b>	Libya, Tunisia	In this case, Libya and Tunisia had a dispute over the boundary of their continental shelves in the Mediterranean Sea. The ICJ was asked to decide where the boundary should be. The court took into account several factors like the geography of the area, the shape of the seafloor (bathymetry), and the economic interests of both countries. The court used these factors to come up with a boundary that was fair for both countries. The goal was to make sure that both Libya and Tunisia would have fair access to the valuable resources in the Mediterranean Sea, without one country losing out.
<b>Republic of Italy v. Union of India</b>	Italy, India	In this case, India and Italy had a disagreement over their maritime boundary in the Arabian Sea. The Supreme Court of India was asked to decide the boundary. The court considered the distance between the two countries' coastlines and decided that the boundary should be drawn in such a way that both countries had equal access to the resources in the sea. The decision was made using the principle of "equidistance," meaning the boundary line was drawn at an equal distance from the two coasts. The court made sure the solution was fair to both countries, considering both their geographic location and their economic needs.
<b>Bay of Bengal Maritime Boundary Arbitration</b>	Bangladesh, India	Bangladesh and India had a long-standing dispute over their maritime boundary in the Bay of Bengal, an area of the sea that is rich in resources like fish and oil. The two countries couldn't agree on where their boundaries should lie, so they went to an arbitral tribunal (a group of independent experts) to decide. The tribunal decided to use the "equidistant principle," which means drawing a line that is an equal distance from both countries' coasts. However, the tribunal also took into account other factors like international law and the unique geographical features of the area to make sure the decision was fair for both countries. The tribunal's decision helped to clearly define the maritime boundaries and resolve the dispute.

### 34. Explain the concept of "Common Heritage of Mankind" and mention its key elements.

- The "Common Heritage of Mankind" (CHM) means that certain global resources, like the seabed, belong to all people, not any one country.
- The resources cannot be owned or claimed by any nation or individual.
- All nations share the responsibility of managing and using these resources fairly.

- The main goal is to ensure these resources benefit everyone, including future generations.

**Some of the key elements of CHM include:**

- Non-Appropriation:** No one can claim ownership of the resources in the international seabed area.
- Shared Management:** The resources are managed by international bodies like the International Seabed Authority (ISA) for the benefit of all nations.
- Equitable Sharing:** The benefits from these resources should be shared fairly, especially with poorer countries that might not have the resources to explore these areas.
- Peaceful Use:** The area must only be used for peaceful purposes, with no military activities allowed.
- Sustainable Use:** Resource extraction should not harm the environment, and sustainable practices must be followed to protect marine life.

**35. Explain the "International Seabed Authority" (ISA). What is the role of ISA?**

- The ISA is an organization that oversees activities in the international seabed area, which is considered the "Common Heritage of Mankind."
- It was created under the United Nations Convention on the Law of the Sea (UNCLOS).
- Its role is to regulate the exploration and mining of seabed resources, such as minerals, to make sure it's done fairly and responsibly.
- The ISA ensures that benefits from seabed resources are shared equitably, especially with developing countries.
- It also helps protect the environment by enforcing rules to prevent harm to marine life from mining activities.
- The ISA works to promote scientific research and technological advancements by encouraging countries to share knowledge and collaborate on deep-sea exploration.
- The authority ensures that all activities in the seabed area are for the benefit of all humanity, not just individual nations.

**36. What is the importance of the "Common Heritage of Mankind" principle for international seabed resources?**

- It ensures that seabed resources, like minerals, are not exploited by any single nation but are shared globally.
- It promotes fairness by making sure that even poorer countries benefit from these resources, which they might not be able to explore on their own.
- It encourages countries to cooperate peacefully and avoid conflicts over these resources.
- The principle supports sustainable use, meaning these resources should be used responsibly without harming the marine environment.

**37. Why is sustainable development important for the international seabed area?**

- Sustainable development ensures that seabed resources are used in a way that doesn't damage the marine ecosystem or deplete the resources for future generations.
- It helps maintain a balance between economic growth and environmental protection.
- Without sustainability, activities like deep-sea mining could lead to irreversible damage to the ocean's biodiversity.

**38. What are some challenges in managing the resources of the international seabed area?**

- Ensuring that all countries, especially developing ones, get a fair share of the economic benefits is difficult.
- Balancing resource extraction with the need to protect the environment is a major challenge.
- Some countries may not have the technology or funds to explore seabed resources, creating an unequal playing field.
- There are concerns over how to regulate and monitor activities to prevent harm to marine ecosystems.

**39. Give an example of how the ISA regulates seabed resource extraction.**

- The ISA grants licenses to countries or companies that wish to explore or mine the seabed, ensuring they follow strict environmental and ethical rules.
- Before any mining takes place, the ISA requires environmental impact assessments to make sure the activity won't harm marine life.
- For example, if a country wants to mine polymetallic nodules on the seabed, they must get approval from the ISA and meet all regulatory requirements, including paying fees that support developing countries.

#### 40. Explain the concept of a treaty and summarise the various kinds of treaties.

A treaty is a formal agreement between countries or international organizations. Treaties help set rules, solve disputes, or build cooperation on issues like trade, peace, human rights, and the environment. Once signed, countries are expected to follow the treaty's terms, making them legally binding. Treaties are essential for maintaining peace, stability, and collaboration around the world.

Cheat code to remember treaties: **"Big Monkeys Ride Purple Cars And Chase Shiny Dolphins For Perfect Picnics."**

Type of Treaty	Description	Example
<b>Bilateral Treaty</b>	A bilateral treaty is an agreement between two countries on a specific matter, like trade, defense, or cooperation in technology. Because only two countries are involved, they negotiate terms that directly benefit them both, focusing on issues that are relevant to their relationship. These treaties often address security, economic cooperation, or environmental standards. Bilateral treaties are easier to negotiate and implement, as only two parties need to agree on the terms, making them faster to establish. They're often renewed or updated based on changing relationships or priorities between the two countries.	<b>U.S.-Japan Security Treaty:</b> A defense agreement where the U.S. pledges to protect Japan.
<b>Multilateral Treaty</b>	A multilateral treaty is an agreement involving three or more countries, usually dealing with global concerns like climate change, human rights, or public health. Since it includes many countries, it requires more extensive negotiations, making sure that every country's voice is considered. Multilateral treaties often create universal standards or obligations that participating countries agree to follow. These treaties can be challenging to implement, as each country has its own interests, but they help promote cooperation on global issues that need united action. They often involve international organizations, like the United Nations, which helps enforce the terms.	<b>Paris Climate Agreement:</b> Over 190 countries committed to reducing greenhouse gas emissions.
<b>Regional Treaty</b>	A regional treaty is an agreement between countries within a specific region, aiming to boost cooperation, trade, or security among neighbouring nations. These treaties strengthen economic ties and political relations between nearby countries, addressing shared regional concerns like cross-border trade, immigration, or regional peacekeeping. Regional treaties can promote free trade zones, like the EU, or help in managing shared resources like rivers and forests. By working together regionally, countries can address issues that might be harder to solve alone. Regional treaties also enhance cultural exchange and are often the foundation for regional alliances.	<b>North American Free Trade Agreement (NAFTA):</b> A free trade deal between Canada, the U.S., and Mexico.
<b>Plurilateral Treaty</b>	A plurilateral treaty is a selective agreement between a few countries with a shared interest, such as trade in specific goods, defense partnerships, or specific economic sectors. Unlike multilateral treaties, plurilateral treaties don't involve all countries but focus on specific goals and invite only those with a vested interest. They are especially useful for addressing unique challenges, like promoting technology standards or economic partnerships. These treaties are less complex to negotiate than multilateral treaties because only a few interested parties need to agree.	<b>Trans-Pacific Partnership (TPP):</b> A trade agreement among 11 countries in the Asia-Pacific region.

	They also often allow countries with common interests to collaborate without committing all countries worldwide.	
<b>Convention</b>	A convention is a type of treaty that sets broad, universal standards on important issues like human rights, environmental protection, or labour rights. Conventions are often the result of international conferences where countries agree on common values and goals. They create a framework for countries to follow and usually establish guidelines for fair practices. Conventions can cover any topic that requires global attention, and they often become the foundation for other treaties. Countries that sign a convention are expected to create their own laws to meet its standards. International organizations, like the United Nations, often monitor whether countries follow the conventions they sign.	<b>Geneva Conventions:</b> Rules for wartime conduct, like protecting civilians and prisoners of war.
<b>Agreement</b>	An agreement is a broad term for any formal arrangement between countries, which can be legally binding or more informal. Agreements are flexible and can cover anything from trade to cultural exchanges. They are often made to solve specific issues quickly or to establish cooperation on common interests. Agreements may be temporary or lasting, and they don't always need to be as detailed as treaties. Agreements can be negotiated and revised more easily and may serve as a starting point for a more formal treaty in the future. They are practical tools that countries use to foster friendly relations and address shared issues without complex legal commitments.	<b>U.S.-China Trade Agreement:</b> Addressed trade imbalances and tariffs between the U.S. and China.
<b>Charter</b>	A charter is a foundational document that establishes an international organization and outlines its goals, values, and rules. It defines the purpose of the organization, its structure, and how it will operate. Charters often reflect the shared vision of the member countries, setting guidelines for decision-making and defining membership roles. For example, the United Nations Charter defines the purpose of the UN, focusing on promoting peace, security, and cooperation. Charters are usually detailed and serve as the governing document for the organization. All members are expected to follow the principles and rules laid out in the charter, which often become the basis for other agreements within the organization.	<b>United Nations Charter:</b> Establishes the UN's structure, goals, and principles for peacekeeping.
<b>Statute</b>	A statute is a formal document that creates an international organization or court, outlining its structure, powers, and functions. Statutes are usually more specific than charters and often provide detailed instructions on how the organization should operate. Statutes are common for establishing international courts, like the International Criminal Court (ICC), and define what kinds of cases or issues the organization will handle. Countries that sign a statute agree to abide by its rules and cooperate with the organization. Statutes help standardize international justice and ensure that there is a formal process for handling major crimes or disputes.	<b>Rome Statute:</b> Established the International Criminal Court (ICC) to prosecute crimes like genocide.
<b>Declaration</b>	A declaration is a statement made by countries, expressing shared values, principles, or commitments. Declarations are often symbolic and not legally binding, showing the international community's support for certain standards or goals, like human rights or environmental protection. Declarations help raise awareness and promote cooperation on global issues, even if countries are not legally required to follow them. They often serve as the starting point for treaties or agreements in the future. Declarations set the tone for future actions and show the world where countries stand on important topics.	<b>Universal Declaration of Human Rights:</b> Sets out fundamental human rights standards.
<b>Framework Agreement</b>	A framework agreement is a treaty that outlines general principles for cooperation on an issue. Instead of setting specific actions or goals, it provides a structure for future agreements. Framework agreements are	<b>Framework Convention on Climate Change</b>

	common in long-term issues, like climate change, where countries need to keep adapting over time. They allow countries to commit to a shared goal and give them flexibility to develop specific actions later. Framework agreements are flexible and meant to be built upon as new challenges or data emerge. They encourage countries to come together and start addressing issues even if they're not ready to make detailed commitments right away.	<b>(UNFCCC):</b> Sets goals for reducing global warming.
<b>Protocol</b>	A protocol is an addition to an existing treaty, adding new or more specific obligations. Countries sign protocols to strengthen or expand their commitments under an original treaty. Protocols often address new developments, such as scientific advancements, that require updates to the original treaty terms. For instance, the Kyoto Protocol was added to the UN Framework Convention on Climate Change to set binding targets for reducing greenhouse gases. Protocols allow countries to adapt agreements over time, adding more detailed rules or enhancing cooperation without starting a new treaty.	<b>Kyoto Protocol:</b> An addition to the UNFCCC that sets binding targets for reducing emissions.
<b>Pact</b>	A pact is an agreement between two or more countries to maintain peace, security, or cooperation on shared interests. Pacts often aim to prevent conflict or strengthen defense alliances, focusing on mutual promises for peaceful interactions. They are common in security arrangements where countries pledge not to attack each other or agree to support each other's defenses. Pacts can be regional or global and are important tools in diplomacy to promote peaceful relations. Unlike informal agreements, pacts are usually binding and require countries to take action if the agreement is threatened.	<b>Kellogg-Briand Pact:</b> An agreement to renounce war as a way to solve conflicts.

#### 41. Discuss the essentials of a Treaty. What are the various stages of Treaty making?

##### Essentials of a Treaty:

- A treaty is a formal agreement between countries or international organizations that sets out rules and obligations on various matters such as trade, security, environmental protection, and human rights.
- Treaties are important for ensuring peace and cooperation between nations.
- They are legally binding and must be followed by the countries that sign them.
- A treaty goes through various stages before it becomes enforceable, and each stage ensures that all parties agree and are prepared to meet their obligations.

**Cheat code to remember stages: "All Nice Signatures Really Add Cool Results After Signing."**

##### Stages of Treaty-Making

Stage	Description	Example
<b>1. Accrediting of Representatives</b>	This is the first step where each country involved in the treaty process appoints a representative, called a plenipotentiary. These representatives are given "Full Powers," meaning they are authorized to negotiate and sign the treaty on behalf of their country. Their credentials are shown to other representatives.	For a peace treaty between two countries, both sides send representatives who have the authority to sign.
<b>2. Negotiation</b>	Negotiation is the process where representatives from the involved countries meet to discuss and agree on the terms of the treaty. This can be done through private meetings (bilateral) or larger conferences (multilateral). They negotiate until they reach a draft agreement.	During the negotiation of the Paris Climate Agreement, representatives from various countries discussed and agreed on climate targets.

<b>3. Signature</b>	After the terms of the treaty are agreed upon, the final draft is signed by the representatives of the countries involved. This signature shows that the countries agree to the treaty, but it is not legally binding until ratification. The treaty's terms are made public after the signing.	The U.S. signed the Kyoto Protocol, but it didn't ratify it, so it wasn't legally bound by it.
<b>4. Ratification</b>	Ratification is the formal approval of the treaty by each country. Some countries need to get approval from their government or legislature before ratifying a treaty. This process ensures that each country agrees to follow the treaty's rules and that any necessary changes to local laws are made.	In 1992, the U.S. Senate ratified the North American Free Trade Agreement (NAFTA), making it legally binding.
<b>5. Accession and Adhesion</b>	When a country that was not involved in the original treaty wants to join, it can do so by accession. Accession means the country agrees to all parts of the treaty. Adhesion is when a country agrees to some parts of the treaty but not the entire agreement.	Many countries joined the United Nations Framework Convention on Climate Change by accession after it was created.
<b>6. Coming into Force</b>	A treaty comes into force when all the necessary steps, like ratification, have been completed. For some treaties, they come into force immediately after being signed. For others, they require a minimum number of countries to ratify it before it becomes binding.	The Paris Agreement came into force when enough countries had ratified it, making it binding internationally.
<b>7. Registration and Publication</b>	Once a treaty is signed and ratified, it must be registered with an international organization like the United Nations. This ensures that the treaty is publicly available and recognized by the international community. If a treaty is not registered, it cannot be used in UN proceedings.	The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was registered with the United Nations after it was signed.
<b>8. Application and Enforcement</b>	After the treaty comes into force, countries need to incorporate its provisions into their national laws. This ensures that the treaty is applied and enforced properly within each country. International bodies may also help enforce the treaty if needed.	The Convention on the Rights of the Child requires countries to pass laws protecting children's rights, and international bodies monitor compliance.

#### 42. Explain the term "Reservation" in treaties.

- A reservation in a treaty is a declaration made by a country that it does not accept certain parts of the treaty or wants to change them.
- Countries can make reservations when signing or ratifying a treaty, but other countries involved must agree to the reservation.
- Reservations are allowed to protect a country's sovereignty and allow it to join a treaty even if it cannot accept every term.
- A country can make a reservation to be exempt from some provisions of a treaty, or to interpret the provisions in a different way.
- Reservations can be made explicitly in the treaty or decided by the parties involved.
- If a country makes a reservation, it must get the consent of other countries involved, especially if the reservation changes key terms.
- The International Court of Justice has said that reservations must not change the purpose or nature of the treaty.
- If a reservation is accepted, the reserving country is still considered a party to the treaty.
- Some treaties, like the Genocide Convention, allow reservations if they do not conflict with the purpose of the treaty.
- **Example:** The Vienna Convention on Diplomatic Relations allows countries to make reservations to certain provisions while still being a party to the treaty.

### 43. Explain the procedure for termination of treaties. Write a short note on " Rebus Sic Stantibus"

#### A. Termination of treaty by expiry:

- A treaty can end when its **expiry date** is reached.
- Both parties may agree that the treaty should be valid only for a certain period.
- If no renewal or extension is agreed, the treaty automatically terminates.
- The treaty's terms will specify the duration and how it ends once the time limit is over.

#### B. Dissolution of treaties:

<p><b>i. <u>Mutual consent:</u></b></p> <ul style="list-style-type: none"> <li>• Mutual consent can end a treaty when both parties agree to dissolve it.</li> <li>• Both parties must formally agree to terminate the treaty.</li> <li>• This decision is made through negotiation and mutual agreement.</li> <li>• The dissolution can happen at any time if both sides agree to it.</li> </ul>	<p><b>ii. <u>Withdrawal by notice:</u></b></p> <ul style="list-style-type: none"> <li>• Withdrawal by notice allows a party to end a treaty by giving notice.</li> <li>• The treaty usually outlines how and when the notice should be given.</li> <li>• The country can withdraw after the notice period expires.</li> <li>• Withdrawal is often subject to conditions or a specific time frame in the treaty.</li> </ul>
<p><b>iii. <u>Voidance of Treaty:</u></b></p> <ul style="list-style-type: none"> <li>• A treaty can be considered void if it was made under force or threats.</li> <li>• If a treaty is based on illegal or immoral acts, it may be void.</li> <li>• A treaty can be void if one party lacked the authority to make it.</li> <li>• If a treaty goes against a country's constitution or laws, it may be void.</li> <li>• A treaty may be void if it was made by deceit or misrepresentation.</li> <li>• A void treaty has no legal effect and cannot be enforced.</li> </ul>	<p><b>iv. <u>By Cancellation:</u></b></p> <ul style="list-style-type: none"> <li>• Cancellation of a treaty happens when one party breaks its terms.</li> <li>• If a party fails to fulfill its obligations, the treaty can be canceled.</li> <li>• The other party can seek cancellation after giving notice of the breach.</li> <li>• Cancellation is usually subject to the conditions laid out in the treaty.</li> <li>• The process of cancellation requires formal action from the affected party.</li> <li>• Once canceled, the treaty no longer binds either party legally.</li> </ul>

#### Rebus Sic Stantibus:

- Rebus Sic Stantibus allows a treaty to end if major changes occur in circumstances.
- It is used when changes make the treaty impossible or unreasonable to follow.
- This principle applies if the situation when the treaty was made is drastically altered.
- If the treaty's original conditions no longer apply, it may be terminated.
- Rebus Sic Stantibus has been used in cases where territorial changes occur.
- A country can argue this principle if unexpected political or economic changes occur.
- The principle is used to ensure treaties remain fair and relevant.
- Example:** The breakup of the Soviet Union led to new treaties based on new realities.

### 44. What is Pacta Sunt Servanda?

Pacta Sunt Servanda is a Latin phrase meaning "agreements must be kept." It is a fundamental principle in international law that binds countries to honor the treaties and agreements they make with other states. This means that once a country enters into a treaty, it is expected to follow the terms and obligations outlined in that treaty. The principle ensures stability, trust, and predictability in international relations. If a country fails to uphold its commitments, it can face legal consequences or damage its diplomatic relationships.

**EX:**

- If two countries sign a trade agreement to lower tariffs, they must adhere to the agreed terms. Similarly, if a peace treaty is signed to end a conflict, both parties must fulfill their obligations to maintain peace.
- **Australia v. France , 1970.** Australia protested France's nuclear tests in the Pacific, claiming they violated the *Treaty of Rarotonga*, which made the region a nuclear-free zone. France argued the treaty didn't stop their tests and continued testing. Australia took the case to the International Court of Justice, which ruled that France must stop the tests, as they were breaking the treaty. This case shows that countries must honor the agreements they make, as required by *Pacta Sunt Servanda*.

**45. What is Inception and Interpretation of Treaties?****Inception of Treaties:**

- Inception of treaties refers to how treaties are created and established as official agreements between countries.
- The process involves negotiation, drafting, and signing, where parties agree on the terms, responsibilities, and goals of the treaty.
- Once signed, many treaties require ratification or approval from each country's government to take full effect.
- For example, the Paris Climate Agreement was developed through extensive negotiations before being signed and ratified by countries worldwide to address climate change.

**Interpretation of Treaties:**

- Interpretation of treaties is about understanding the exact meaning and obligations within a treaty.
- The International Court of Justice (ICJ), United Nations, or specialized international organizations often interpret treaties when there is disagreement.
- A protocol, or set of interpretation guidelines, is often attached to the treaty to guide understanding.
- If treaties are written in multiple languages, the treaty may specify which language version takes precedence in case of a conflict.

**General Principles of Interpretation:**

Principle	Explanation	Example
<b>Grammatical Interpretation</b>	Words in a treaty are generally interpreted by their plain and natural meaning. If this leads to an absurd outcome or contradicts the parties' intentions, the interpretation is reconsidered.	For example, if a term in a treaty appears to mean one thing but creates a clear contradiction, the interpretation may be adjusted based on the treaty's purpose.
<b>Object and Context of the Treaty</b>	If language is unclear, the purpose and context of the treaty are considered to better understand it.	In the <i>WHO v. Egypt</i> case, the treaty's goal to promote global health helped clarify unclear terms about medical standards.
<b>Reasonableness and Consistency</b>	Treaties are interpreted to make reasonable sense and align with established rules of international law.	A trade agreement would be read in a way that aligns with existing international trade laws.
<b>Principle of Effectiveness</b>	Treaties are interpreted so that every part has meaning and is not rendered useless.	If a treaty provision for resource sharing is vague, the interpretation will ensure it remains effective and meaningful.
<b>Recourse to Extrinsic Material</b>	When needed, additional information, such as past agreements or negotiation records, is used to interpret the treaty's meaning.	For instance, if two countries have a longstanding trade relationship, previous treaties can help clarify terms in a new trade agreement.

**46. Define Parties. What are the Rights and Duties of parties?**

Parties to a treaty are either state parties or third states. A state party is a country that has signed the treaty and agreed to its rules, so it must follow them. A third state is a country that hasn't signed the treaty, so it usually doesn't have to follow it unless it clearly agrees to do so.

### **Rights of Parties to a Treaty**

- State parties can expect other state parties to follow the treaty rules.
- They can hold other state parties responsible if they break the rules.
- They may change or cancel parts of the treaty if all parties agree.
- State parties can offer certain benefits (like trade or security) to third states.
- They have the right to settle disputes with other state parties.
- State parties can extend benefits to groups of third states if everyone agrees.
- They can enforce treaty rights even if it doesn't directly benefit them.
- Parties can invite other nations to join treaty-related activities if there's agreement.

### **Duties of Parties to a Treaty**

- State parties must follow all the treaty rules as agreed.
- They need to respect each other's rights under the treaty.
- They must comply with any specific steps or rules the treaty requires.
- If they offer rights to third states, they should respect those agreements.
- They are expected to act fairly and responsibly in enforcing the treaty.
- Parties can't take away rights given to third states without agreement.
- They shouldn't impose treaty rules on third states without their consent.
- State parties must respect international law in all treaty-related actions.

### **47. Explain the validity and enforcement of treaties.**

<b>Validity of Treaties</b>	<b>Enforcement of Treaties</b>
<ul style="list-style-type: none"> <li>• A treaty is valid when all parties agree to its terms and sign it.</li> <li>• It becomes legally binding only after the parties officially ratify it, meaning they approve it through their national processes.</li> <li>• Treaties are valid as long as they do not contradict a country's constitution or international law.</li> <li>• If a country signs a treaty and then decides not to ratify it, it isn't bound by the treaty.</li> <li>• For example, if a country signs a trade agreement but doesn't ratify it, it doesn't have to follow the trade rules.</li> </ul>	<ul style="list-style-type: none"> <li>• Treaties are enforced by international courts or organizations, which make sure countries follow the rules.</li> <li>• If one party breaks the treaty, other parties can bring the issue before a court, like the International Court of Justice (ICJ).</li> <li>• Countries can impose penalties or sanctions on another country that violates a treaty.</li> <li>• Treaties often have dispute resolution procedures, like negotiation or arbitration, to help parties settle issues peacefully.</li> <li>• For example, in the Paris Agreement, countries are encouraged to meet climate goals, and failure to do so may result in international pressure or penalties.</li> </ul>

### **48. Explain about United Nations Organisation. Mention its objects, functions, purposes and principles**

The United Nations (UN) is an international organization established in 1945 to promote peace, security, and cooperation among countries. After World War II, nations wanted to avoid future conflicts and work together for a better future. The UNO was created to help maintain global peace and security.

### **History of the United Nations:**

1. The idea for a new international organization was formed during World War II after the failure of the League of Nations.

2. In 1941, the Atlantic Charter was signed by President Roosevelt and Prime Minister Churchill, outlining goals for peace and security.
3. In 1942, 26 nations signed the United Nations Declaration, agreeing to fight against the Axis powers.
4. In 1944, the Dumbarton Oaks Proposal outlined the structure of the United Nations.
5. In 1945, the Yalta Conference resolved differences about the Security Council.
6. In April 1945, 50 nations met in San Francisco to finalize the United Nations Charter, which officially came into effect on October 24, 1945.

<p><b><u>Objects of the United Nations</u></b></p> <ol style="list-style-type: none"> <li>1. To prevent future wars and save future generations from the horrors of war.</li> <li>2. To support human rights and the dignity of individuals.</li> <li>3. To promote equality for all people, regardless of their gender or country size.</li> <li>4. To create fair conditions where international law and justice can be respected.</li> <li>5. To improve the quality of life and freedom for all people.</li> <li>6. To strengthen international peace and security.</li> <li>7. To ensure that military forces are used only in common interest.</li> <li>8. To help countries improve their economic and social development.</li> </ol>	<p><b><u>Principles of the United Nations</u></b></p> <ol style="list-style-type: none"> <li>1. All member countries are equal, and their sovereignty is respected.</li> <li>2. Countries must follow the rules and obligations set by the UN Charter.</li> <li>3. Disputes between countries must be settled peacefully.</li> <li>4. Nations must not use force or threats against each other.</li> <li>5. Countries must support the actions of the UN to maintain peace and security.</li> <li>6. The UN can ask non-member countries to follow its principles when necessary for peace.</li> <li>7. The UN cannot interfere in a country's internal matters unless it poses a threat to global peace.</li> </ol>
<p><b><u>Functions of the United Nations</u></b></p> <ol style="list-style-type: none"> <li>1. Work to maintain global peace and prevent conflict.</li> <li>2. Help resolve international disputes through peaceful means.</li> <li>3. Promote human rights and support equal treatment for everyone.</li> <li>4. Encourage countries to cooperate on issues like health, education, and economic development.</li> <li>5. Provide a forum for countries to discuss global challenges and solutions.</li> <li>6. Offer humanitarian aid to countries facing crises like natural disasters or war.</li> </ol>	<p><b><u>Purposes of the United Nations</u></b></p> <ol style="list-style-type: none"> <li>1. To maintain international peace and security by preventing conflicts.</li> <li>2. To develop friendly relations between nations based on equality and respect.</li> <li>3. To solve global problems through international cooperation.</li> <li>4. To encourage the promotion of human rights and freedoms for all people.</li> <li>5. To help achieve economic and social progress for all countries.</li> </ol>

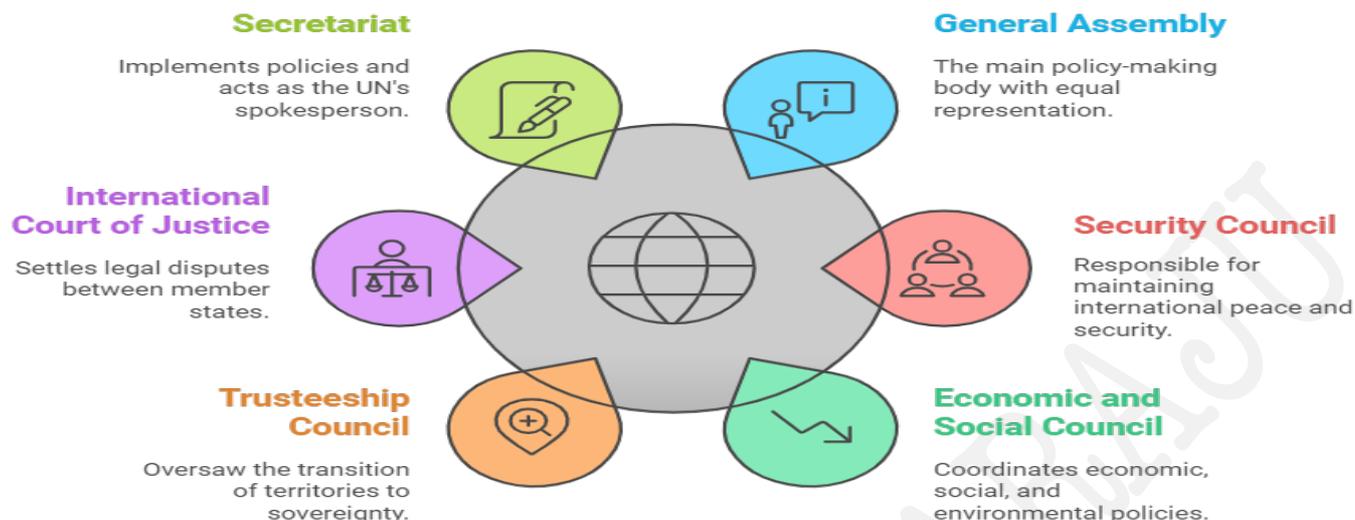
**49. Write a short note: Sovereign equality of states**

Sovereign equality of states is the principle that all countries, regardless of their size, power, or wealth, are equal under international law. This means that each state has the same rights and responsibilities, and no state has more authority than another. The United Nations Charter, in Article 2, recognizes this principle, stating that all member states are equal. Sovereign equality includes the right of each state to govern itself, make decisions without interference from others, and choose its political, economic, and social systems. It also means that states must respect each other's independence, territory, and sovereignty. The principle ensures that every country has an equal vote in international bodies like the UN General Assembly and that no state can claim authority over another.

**50. Explain the Principal organs of the United Nations.**

The United Nations (UN) is an international organization founded to promote peace, security, social and economic development, and human rights. The UN is structured around six principal organs, each with a distinct role in achieving these goals.

### Organs of the United Nations



#### General Assembly:

- It is the main platform for discussion and decision-making within the UN.
- Composed of all 193 member states, each with one vote.
- Meets annually to address global issues such as peace, security, and development.
- Decisions are generally made by a simple majority vote, with important matters requiring a two-thirds majority.
- Elects a new president each year to preside over its sessions.
- Provides a space for all countries to voice their concerns and propose solutions.

#### Security Council:

- Responsible for maintaining international peace and security.
- Composed of 15 members: 5 permanent (with veto power) and 10 rotating non-permanent members.
- Can impose sanctions or authorize military action to address global threats.
- It is the only UN body with the authority to make binding decisions on member states.
- Takes the lead in identifying and responding to threats to peace and acts of aggression.
- Countries must comply with its decisions, but veto power gives five members greater influence.

#### Economic and Social Council (ECOSOC):

- Coordinates economic, social, and environmental work across the UN system.
- Focuses on achieving the UN's Sustainable Development Goals (SDGs).
- Membership is made up of 54 countries, elected by the General Assembly.
- It reviews and monitors global economic progress and development.
- Works to promote international cooperation on global issues like poverty, health, and education.
- Provides a platform for dialogue between governments, civil society, and the private sector.

#### International Court of Justice:

- Serves as the main judicial body of the UN, based in The Hague, Netherlands.
- Settles legal disputes between countries in accordance with international law.
- Issues advisory opinions on legal matters referred by UN bodies or authorized organizations.
- Composed of 15 judges elected for nine-year terms, representing various legal systems.
- Its rulings are binding but rely on voluntary compliance from states.
- Only states may bring cases before the court, not individuals or organizations.

**Secretariat:**

- The administrative arm of the UN, handling daily operations.
- Led by the Secretary-General, who is the UN's public spokesperson.
- Collects data, conducts research, and provides essential services to UN bodies.
- Ensures the implementation of decisions made by other UN organs.
- Provides translation, interpretation, and logistical support for UN meetings.
- Its staff is made up of international civil servants who are recruited based on merit.

**Trusteeship Council:**

- Established to supervise territories that were once under colonial rule.
- Played a key role in overseeing the decolonization process.
- Became inactive in 1994 when the last trust territory, Palau, gained independence.
- The Council can be reactivated if necessary, though this would require member approval.
- Helped shape modern international law and human rights protections.
- Was originally part of the UN's effort to guide former colonies toward self-governance.

**51. Are the UN security council resolutions passed under the UN charter binding on the states?**

Yes, resolutions passed by the UN Security Council are binding on all member states. This means countries must follow the decisions made by the Security Council, especially when it comes to maintaining peace and security. The Security Council can take actions like imposing sanctions or even allowing the use of force to address global problems. However, if one of the five permanent members (the USA, China, Russia, UK, or France) disagrees, they can veto a resolution and stop it from being passed. But in general, countries are required to follow these resolutions.

**52. What are the result of Ceasefire violations under international law?**

When a ceasefire is violated, it can lead to several serious outcomes. First, it can break the trust between the parties involved in the conflict and ruin any ongoing peace talks. The country or group that violates the ceasefire may face diplomatic pressure from other countries or international organizations, which could result in political isolation. There could also be sanctions, such as trade restrictions or travel bans, imposed on the violator. The situation may also worsen, as the other side might retaliate, leading to more fighting. If the violation involves war crimes or breaches international law, legal actions could be taken, including trials in international courts. In some cases, peacekeeping forces or even military action may be used to restore order. Finally, civilians are often the ones who suffer the most, with more harm done to them, including injuries, displacement, and damage to homes or important services.

**53. Are the UN Security council have power to take military action against the state which does not comply with its reservation? Give a historical precedent governing the situation.**

Yes, the UN Security Council can authorize military action against a state that refuses to follow its resolutions. A well-known example is the **Gulf War** in 1990. Iraq, led by Saddam Hussein, invaded Kuwait, which violated international rules. The Security Council demanded Iraq withdraw, but when it didn't, they passed a resolution allowing military action. A US-led coalition, with Security Council approval, then launched a military operation to force Iraq out of Kuwait. This shows the Security Council can use military force if needed to maintain peace.

**54. Write a note on " Peaceful settlements of Disputes under International Law.**

- Peaceful settlement of disputes is a key principle in international law, promoting resolving conflicts without violence.
- This principle is included in the UN Charter, especially in Article 2.4, which prohibits the use of force between countries.
- Article 33 of the UN Charter lists methods to resolve disputes peacefully, including negotiation, mediation, arbitration, and judicial settlement.

- Countries should try these methods first before asking the UN Security Council to intervene if they can't reach an agreement.
- Diplomatic efforts, like talks between countries or mediation, help prevent conflicts and promote cooperation.
- Mediation has become an important tool in resolving disputes, with international organizations like the UN offering mediation services.
- Nonbinding methods, like conciliation or inquiry, are also valuable in resolving conflicts peacefully.
- One example of peaceful dispute resolution is the **South China Sea arbitration** in 2016, where the Philippines used arbitration to settle a territorial dispute with China.
- The Camp David Accords in 1978, mediated by the US, led to a peace agreement between Egypt and Israel, demonstrating the success of diplomatic efforts.
- Peaceful dispute resolution helps maintain stability, avoid wars, and ensures that international laws are respected by countries.

### 55. What do you understand by the term Veto power of the permanent members of the Security Council?

- The veto power of the permanent members of the UN Security Council allows any of the five permanent members to block a resolution.
- The five permanent members are China, Russia, France, the United States, and the United Kingdom.
- These members can use their veto power to stop decisions they don't agree with, even if the majority of other countries support the resolution.
- The veto power is used to protect the national interests and foreign policies of the permanent members.
- So far, there have been 293 vetoes in the UN Security Council, with Russia using the most vetoes (143).
- The veto power cannot be used during an emergency session of the UN General Assembly.
- The first veto was cast in February 1946.
- The veto is a special right given only to the five permanent members, and it makes their decisions very influential in the UN.

### 56. What is ILO? Explain the objects, functions, composition of ILO.

The International Labour Organization (ILO) is an agency of the United Nations that works to promote fair labour practices, human rights, and social justice. It was established after World War I and became the first specialized agency of the UN in 1946. It helps set international labour standards and works with governments, employers, and workers to create better working conditions around the world.

a) Objectives of the ILO	b) Functions of the ILO	c) Composition of the ILO
<ul style="list-style-type: none"> <li>• The ILO aims to create fair labour standards and protect fundamental rights at work.</li> <li>• It works to ensure that everyone has equal access to decent work opportunities.</li> <li>• The ILO focuses on increasing social protection for workers globally.</li> <li>• It strengthens cooperation and dialogue between governments, workers, and employers (Tripartism).</li> <li>• It aims to improve working conditions for people worldwide, ensuring fairness and justice in the workplace.</li> </ul>	<ul style="list-style-type: none"> <li>• The ILO sets international labour standards and creates conventions to improve working conditions globally.</li> <li>• It helps countries address their labour issues by providing technical assistance and guidance.</li> <li>• The ILO monitors the implementation of labour standards by member countries and works to ensure they follow the conventions.</li> <li>• It advocates for workers' rights, including fair wages, safe working conditions, and equal opportunities for all.</li> <li>• The ILO conducts research on labour issues and provides valuable information to help countries make better labour policies.</li> </ul>	<ul style="list-style-type: none"> <li>• The ILO is based on a tripartite system of governments, employers, and workers.</li> <li>• The International Labour Conference meets annually to set policies.</li> <li>• The Governing Body manages ILO's activities and policies.</li> <li>• The International Labour Office is the permanent secretariat handling daily tasks.</li> <li>• Each member country sends four delegates to the Conference: two from government, one from workers, and one from employers.</li> </ul>

## 57. What is WTO? Explain the objectives, functions, principles of WTO.

The WTO (World Trade Organization) is an international body that helps countries trade with each other more smoothly and fairly. These rules only apply to countries that are members of the WTO. The WTO works based on agreements that member countries negotiate and sign, but each country's parliament must approve these agreements first. The WTO was created on January 1, 1995, after the Marrakesh Agreement was signed on April 15, 1994. This agreement replaced the older General Agreement on Tariffs and Trade (GATT).

### Objectives

- The WTO sets rules for international trade through agreements on goods, services, and intellectual property rights.
- It ensures countries follow these rules and settles disputes if they break them.
- The WTO acts as a global meeting place to discuss and promote free trade between countries.
- It helps resolve trade disagreements by following a set process involving all parties, not just one country.
- The WTO works to make its decision-making process clearer and more open to participation.
- It cooperates with other global institutions like the IMF, UNCTAD, and the World Bank to create consistent economic policies.
- The WTO protects the interests of developing countries by supporting them with trade rules and dispute management.

### Functions

- The WTO reviews trade policies to ensure stability and keep trade fair and transparent.
- It provides a platform for countries to discuss future trade strategies and address issues like tariffs.
- The WTO helps put trade agreements into action once they are approved by member countries' parliaments.
- It settles trade disputes by using experts who interpret agreements and offer solutions.
- The WTO helps developing countries use their resources better by giving them more trade opportunities and support.

### Principles

- Countries should treat each other equally in trade (e.g., giving the same tariff rates to all WTO members).
- Trade rules and regulations should be clear and open.
- Countries should open up their markets to others, balancing the benefits of trade.
- Countries should not impose unfair restrictions or policies that favor some countries over others

### Structure:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Ministerial Conference</li> <li>• General Council</li> <li>• Dispute Settlement Body (DSB)</li> <li>• Trade Policy Review Body (TPRB)</li> </ul> | <ul style="list-style-type: none"> <li>• Councils and Committees</li> <li>• Secretariat</li> <li>• Appellate Body (Currently Inactive)</li> </ul> |
|---|---|

## 58. Write a short note on " Amnesty International".

- Amnesty International is a global organization that works to protect human rights and is not influenced by any political parties, religions, or governments.
- It aims to free people who are imprisoned for their opinions, race, ethnicity, or religion, as long as they haven't used violence or encouraged it. These people are called "prisoners of conscience."
- Originally a British group, Amnesty International created a global office in 1963.
- Sean Mac Bride, who won the Nobel Peace Prize, became the chairman in 1963.
- By 1973, the organization had over 1,000 groups in 28 countries, and by 1977, it had 1,874 groups in 33 countries.
- The current chairman is Thomas Hammarberg from Sweden.

- Amnesty International works to stop torture, mistreatment, and the death penalty, and defends the rights of "forgotten prisoners."
- In 1974, the organization outlined three key goals: defending prisoners of conscience, opposing torture, and fighting the death penalty.
- It received the United Nations Human Rights Prize in 1978 and the Nobel Peace Prize in 1977 for its work defending human dignity.

### 59. What is UNESCO? Write the objectives, functions powers and composition of it.

UNESCO (United Nations Educational, Scientific and Cultural Organization) is a specialized agency of the United Nations that works to promote peace through international cooperation in education, science, and culture. It was established in 1945 to advance global understanding and improve human rights.

<p><b>Objectives:</b></p> <ol style="list-style-type: none"> <li>1. Promote peace and nation-building through international cooperation.</li> <li>2. Eradicate poverty through education and science.</li> <li>3. Provide universal access to high-quality education for all.</li> <li>4. Support sustainable development by mobilizing scientific knowledge.</li> <li>5. Protect cultural heritage and preserve heritage sites.</li> <li>6. Address social and ethical issues.</li> <li>7. Promote cultural diversity and intercultural dialogue.</li> <li>8. Use technology to build inclusive knowledge societies.</li> <li>9. Focus on Africa and gender equality as key global priorities.</li> </ol>	<p><b>Functions:</b></p> <ol style="list-style-type: none"> <li>1. Lead global education efforts through frameworks like Education 2030.</li> <li>2. Advocate for cultural preservation and promote creativity.</li> <li>3. Implement programs for sustainable development and global citizenship.</li> <li>4. Work with governments to improve education systems and cultural policies.</li> <li>5. Establish and maintain the World Heritage Sites List.</li> <li>6. Conduct global research and reports on education, science, and culture.</li> <li>7. Support the development of biosphere reserves to promote environmental sustainability.</li> </ol>
<p><b>Powers:</b></p> <ol style="list-style-type: none"> <li>1. Develop and promote international conventions related to education, culture, and science.</li> <li>2. Support member countries with technical assistance and funding.</li> <li>3. Organize international meetings and conferences to set global priorities.</li> <li>4. Monitor and report on the progress of global goals like education and sustainable development.</li> <li>5. Collaborate with other international organizations for greater impact.</li> </ol>	<p><b>Composition:</b></p> <ol style="list-style-type: none"> <li>1. UNESCO has 193 member countries and 11 associate members.</li> <li>2. The organization is governed by a General Conference and an Executive Board.</li> <li>3. The Secretariat, led by the Director-General, carries out decisions made by the board and conference.</li> <li>4. It has regional offices and national commissions worldwide.</li> </ol>

### 60. What is UNICEF? Write the objectives, functions, scope of UNICEF.

UNICEF stands for United Nations Children's Fund, which works to help children around the world by providing healthcare, education, and protection from harm. It was established in 1946 to provide relief and healthcare to children and mothers affected by World War II. It started as the International Children's Emergency Fund (ICEF) and became part of the United Nations in 1953, changing its name to the United Nations Children's Fund, though it continues to be known by the acronym UNICEF.

<p><b>Objectives of UNICEF:</b></p> <ul style="list-style-type: none"> <li>• Promote children's rights globally.</li> </ul>	<p><b>Functions of UNICEF:</b></p> <ul style="list-style-type: none"> <li>• Works through country offices in over 190 nations.</li> </ul>
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<ul style="list-style-type: none"> <li>• Provide safe shelter, healthcare, and nutrition.</li> <li>• Ensure access to education for all children.</li> <li>• Protect children from disasters, conflicts, and violence.</li> <li>• Fight for equality and protection for children.</li> </ul>	<ul style="list-style-type: none"> <li>• Provides support during humanitarian crises.</li> <li>• Partners with governments and NGOs to improve children's welfare.</li> <li>• Collects data and reports on global child issues.</li> <li>• Raises funds through government and private contributions.</li> </ul>
<p><b><u>Scope of UNICEF's Work:</u></b></p> <ul style="list-style-type: none"> <li>• Focuses on child development, nutrition, and health.</li> <li>• Works to protect children from violence and exploitation.</li> <li>• Provides education and supports polio eradication.</li> <li>• Supports reproductive health and the fight against AIDS in children.</li> <li>• Works on emergency preparedness and response for children in need.</li> </ul>	<p><b><u>Composition of UNICEF:</u></b></p> <ul style="list-style-type: none"> <li>• The Executive Director leads UNICEF's overall functioning.</li> <li>• The Executive Board consists of 36 member countries elected by ECOSOC.</li> <li>• UNICEF has 150 country offices focused on children's welfare.</li> <li>• Over 30 National Committees raise funds and implement programs.</li> <li>• UNICEF has regional offices in Senegal, Panama, Kenya, Switzerland, Thailand, Jordan, and Nepal to coordinate regional efforts.</li> </ul>

### 61. What is the differences between UNDP and UNEP?

UNDP and UNEP are both parts of the United Nations, but they have different roles. UNDP works on broader development issues, such as reducing poverty, improving education, and supporting health, while UNEP focuses mainly on protecting the environment. They often work together on projects that combine both environmental and development goals. UNDP helps countries develop their economy and infrastructure, while UNEP ensures that development happens in an environmentally sustainable way. For example, UNDP might support a country in building better schools, and UNEP would make sure that this development doesn't harm the environment.

<b>UNDP (United Nations Development Programme)</b>	<b>UNEP (United Nations Environment Programme)</b>
UNDP focuses on eradicating poverty, reducing inequality, and promoting sustainable development across the world. <b>Example:</b> UNDP helped set up programs in Afghanistan to improve education and healthcare for women and children.	UNEP is dedicated to addressing the world's environmental challenges like climate change, pollution, and biodiversity loss. <b>Example:</b> UNEP played a key role in the successful global effort to phase out harmful substances like CFCs to protect the ozone layer.
It works in over 170 countries, collaborating with governments, civil society, and other organizations. <b>Example:</b> In India, UNDP has supported projects for climate-resilient agriculture in rural areas.	It helps countries transition to low-carbon economies and promotes green technologies. <b>Example:</b> UNEP supported the creation of Kenya's Green Economy Strategy to boost renewable energy use.
UNDP supports the implementation of the Sustainable Development Goals (SDGs), especially those related to poverty, inequality, and economic growth. <b>Example:</b> UNDP's work in sub-Saharan Africa focuses on improving governance and economic opportunities.	UNEP works closely with nations on strengthening environmental policies and governance. <b>Example:</b> UNEP's work in Latin America helps countries design sustainable policies for forest conservation.
It also helps countries in developing democratic governance systems and building resilience to crises.	UNEP provides critical data, research, and policy advice on environmental issues to inform decision-making.

**Example:** UNDP assisted in post-conflict recovery efforts in countries like Syria and Sudan.

It focuses on empowering marginalized communities to build better lives.

**Example:** UNDP's program in South Sudan supports women's empowerment and community-led development.

**Example:** UNEP's assessment reports on air pollution in cities have helped inform local policies in China.

It organizes global initiatives and forums like the UN Environment Assembly to guide environmental action.

**Example:** UNEP's efforts at the 2023 UN Environment Assembly focused on solutions to plastic pollution in oceans.

## 62. What is Agenda 21?

Agenda 21 is a plan created by the United Nations in 1992 to help countries build a better, more sustainable future. It focuses on protecting the environment, improving people's quality of life, and making sure that development doesn't harm future generations. The plan suggests ways for countries to work together on issues like pollution, poverty, and using resources wisely.

## MODULE 4:

### 1) What is WHO? Mention its functions, Objectives, Global health law consortium, communicable diseases, Prevention and control.

The World Health Organization (WHO) is a specialized agency of the United Nations responsible for international public health. Established in 1948, WHO aims to promote health, keep the world safe, and serve vulnerable populations. It works with governments and other organizations worldwide to prevent disease, improve health standards, and respond to global health emergencies, like pandemics. Over the years, WHO has become central to coordinating global health efforts, especially in addressing issues like infectious disease outbreaks and developing health policies for the betterment of global communities.

#### Functions of WHO

- a. Develops health guidelines and standards to improve global healthcare.
- b. Provides assistance to countries during health crises, such as pandemics or natural disasters.
- c. Monitors global health data to detect and respond to potential outbreaks quickly.
- d. Supports health research to advance medicine and disease prevention.
- e. Ensures accessibility to essential medicines and health services in low-income countries.
- f. Provides training to healthcare workers to improve the quality of medical care globally.
- g. Encourages countries to adopt healthy policies and implement disease-prevention measures.
- h. Fosters partnerships between governments, private sectors, and civil society to promote health initiatives.

#### Objectives of WHO

- a. Promote healthy living by addressing preventable diseases, like diabetes and heart disease.
- b. Strengthen healthcare systems worldwide to ensure universal access to healthcare.
- c. Combat communicable diseases, including malaria, tuberculosis, and HIV/AIDS.
- d. Improve maternal and child health, reducing mortality rates.
- e. Enhance responses to health emergencies, such as pandemics and natural disasters.
- f. Foster international cooperation to tackle shared health challenges.
- g. Promote equity in health by addressing social and economic inequalities.
- h. Encourage sustainable development goals related to health and well-being.

#### Global Health Law Consortium

- a. The Global Health Law Consortium is a network of experts working on laws and policies for better global health governance.

- b. It assists WHO and other organizations in creating effective legal frameworks for disease control, health systems, and emergency response.
- c. Promotes international cooperation to create standardized health policies and regulations across countries.
- d. Works with WHO on implementing the International Health Regulations, which help countries prevent and respond to global health risks.
- e. Aims to build legal capacities in low- and middle-income countries to strengthen health governance.
- f. Encourages transparency, accountability, and ethical standards in global health practices.

### **Communicable Diseases**

- a. Communicable diseases are infections that spread from person to person or from animals to humans, such as the flu, COVID-19, and Ebola.
- b. They can be caused by bacteria, viruses, fungi, or parasites, and often spread through direct contact, air, water, or vectors like mosquitoes.
- c. Examples include malaria (spread by mosquitoes), tuberculosis (airborne transmission), and HIV/AIDS (through bodily fluids).
- d. WHO monitors and provides data on outbreaks, helping countries to identify and respond to disease threats.
- e. Many communicable diseases are preventable with vaccines, proper sanitation, and health education.
- f. Reducing the spread of these diseases can have a significant impact on global health and economic development.

### **Prevention and Control of Communicable Diseases**

- a. Vaccination programs help control diseases like measles, polio, and COVID-19.
- b. Promoting good hygiene practices, such as handwashing, reduces the spread of illnesses.
- c. WHO encourages countries to develop early warning systems for detecting disease outbreaks.
- d. Use of protective equipment, like masks and gloves, helps in preventing disease transmission in healthcare settings.
- e. Public health education campaigns increase awareness and promote preventive measures.
- f. Ensuring access to clean water and sanitation facilities decreases the spread of waterborne diseases.
- g. Surveillance and reporting of cases help countries to act quickly, minimizing outbreaks.
- h. Collaboration with organizations and countries ensures a coordinated response to pandemics and other health crises.

## **2) How does the World Health Organization (WHO) work with the International Health Regulations (IHR) to keep the world safe from health emergencies?**

- The WHO and the IHR work together to prevent and control global health threats.
- WHO is the organization that guides and supports countries, while the IHR is a set of rules that all countries agree to follow to protect public health.
- WHO uses the IHR as a framework to help countries work together and respond quickly to health risks that can spread between countries, like pandemics, disease outbreaks, and environmental hazards.
- WHO can declare a “Public Health Emergency of International Concern” (PHEIC) under the IHR, which mobilizes international cooperation and resources.
- The IHR requires countries to report certain health threats to WHO, which then shares this information with other countries.
- Fast sharing of information helps countries prepare for health risks, even before these risks cross borders.
- WHO supports countries by providing training and resources to help them follow the IHR, improving health surveillance, laboratory capacity, and emergency response plans.

### **Examples:**

- During the COVID-19 pandemic, WHO declared a PHEIC, which allowed countries to work together quickly to control the spread.
- The IHR requires countries to share data on threats like COVID-19, enabling WHO to inform other nations and help them prepare.
- WHO offers guidance and resources to countries to improve testing and emergency response, like setting up detection and control systems during Ebola outbreaks.

<b>WHO</b>	<b>IHR</b>
Guides global health responses and provides support to countries.	Sets international rules that countries follow for health security.
Declares Public Health Emergencies (e.g., COVID-19) to mobilize resources.	Gives a legal basis for how countries should respond in emergencies.
Acts as a central hub for sharing health information worldwide.	Requires countries to report certain health threats to WHO.
Helps countries strengthen health systems through training and resources.	Defines essential health capabilities that countries should develop.
<b>Example:</b> Provides COVID-19 guidelines and vaccine information to countries.	<b>Example:</b> Requires countries to share data on COVID-19 cases with WHO.

### 3) Discuss the purpose, scope, and core functions of the International Health Regulations (IHR). What are the Rights and obligations of states?

The International Health Regulations (IHR) were first established in 1969 by the World Health Organization (WHO) to provide a legal framework for preventing and controlling the spread of diseases across international borders. Over time, the IHR have been revised and updated, with a major revision in 2005, following the SARS outbreak. The IHR now serve as a key tool for global health security, ensuring that countries work together to identify and respond to public health risks that could spread internationally.

<p><b><u>Purpose of IHR</u></b></p> <ul style="list-style-type: none"> <li>• The main purpose of the IHR is to protect global health by preventing and controlling the spread of diseases across borders.</li> <li>• They aim to ensure countries cooperate and share information about potential health risks in a timely manner.</li> <li>• The IHR help avoid unnecessary restrictions on international travel and trade while still addressing global health threats.</li> <li>• They set rules for how countries should respond to public health emergencies of international concern, minimizing their impact on global health and economies.</li> </ul>	<p><b><u>Scope of IHR</u></b></p> <ul style="list-style-type: none"> <li>• The IHR apply to all countries that are members of WHO and cover a wide range of health risks, including infectious diseases, chemical hazards, and radiation emergencies.</li> <li>• They provide a global framework for health security, ensuring that countries are prepared to detect and respond to health threats.</li> <li>• The IHR also address issues like surveillance of diseases, response coordination, and sharing of health data between countries.</li> <li>• They are not limited to just preventing the spread of diseases but also focus on building national health systems and capacities for emergency preparedness.</li> </ul>
<p><b><u>Functions of IHR</u></b></p> <ul style="list-style-type: none"> <li>• The IHR require countries to detect and notify WHO about certain health events that might pose a risk to public health, such as disease outbreaks.</li> <li>• Countries must establish national systems to monitor health risks and ensure they can quickly respond to emergencies.</li> <li>• They outline procedures for WHO to declare a “Public Health Emergency of International Concern” (PHEIC), which helps coordinate</li> </ul>	<p><b><u>Rights and Obligations of States</u></b></p> <ul style="list-style-type: none"> <li>• States have the right to seek support and resources from WHO in case of health emergencies, including technical assistance and emergency response aid.</li> <li>• They are obligated to report certain health risks to WHO within 24 hours of assessment, particularly when the risk could spread internationally. For example, during the 2014 Ebola outbreak, affected countries had to notify WHO immediately.</li> </ul>

global responses during emergencies, like the COVID-19 pandemic.

- The IHR encourage countries to collaborate on health information sharing, research, and best practices to strengthen global health security.
- They also require countries to avoid unnecessary restrictions on trade and travel during health emergencies unless scientifically justified.

- States must develop core health capacities, such as surveillance, laboratory testing, and emergency preparedness, to detect and manage health threats.
- States are required to implement public health measures, like quarantine and isolation, but these measures must be based on scientific evidence and not unjustly interfere with international trade or travel.
- States have the responsibility to share health data and collaborate on joint actions to prevent and control public health emergencies.

#### 4) Write a note on "International Trade Laws". What are the General principles? How do non-discrimination and national treatment promote fair trade?

International trade laws are rules that govern trade between countries, ensuring that trade happens smoothly and fairly. The World Trade Organization (WTO), created in 1995, oversees these laws, helping to manage trade agreements and solve disputes. Before the WTO, the General Agreement on Tariffs and Trade (GATT) was used to promote global trade and reduce barriers after World War II.

The history of international trade law is about countries working together to create a more connected global economy. These laws developed to address problems like unfair trade practices and trade restrictions. Over time, countries recognized the need for global rules to make trade fair, leading to the formation of the WTO, which continues to shape and manage trade rules today.

#### General Principles of International Trade Laws

- Trade should be free, fair, and predictable to ensure smooth exchanges between countries.
- Countries must treat all trading partners equally, without giving special treatment to any nation (Non-discrimination/MFN principle).
- Once goods or services enter a country, they should be treated the same as domestic ones (National Treatment).
- Domestic laws should not unfairly discriminate against foreign products or services.
- Countries should make their trade policies clear and accessible so businesses can understand the rules (Transparency).
- Trade policies should be stable, allowing businesses to plan for the future without sudden changes (Predictability).
- Trade restrictions should only be imposed for legitimate reasons, like health, safety, or protecting the environment.
- Countries should cooperate to reduce trade barriers and strengthen economic ties.

#### Non-discrimination and national treatment promote fair trade by ensuring that all countries are treated equally.

- **Non-discrimination (MFN principle)** means that if a country offers a trade benefit to one nation, it must offer the same benefit to all other countries. This prevents favouritism and ensures fairness in trade.
- **National treatment** means that once a foreign product or service enters a country, it should be treated the same as a domestic product. For example, foreign goods should not face higher taxes or unfair restrictions compared to local goods.

#### 5) Write a note on UNCITRAL

- UNCITRAL is a part of the United Nations that creates rules to help countries trade easily and fairly with each other.

- Its goal is to reduce problems in global trade and create clear and predictable laws for businesses across different countries.
- UNCITRAL creates Model Laws to help countries make their own trade laws. For example:
  - a. The Model Law on International Commercial Arbitration helps businesses solve problems without going to court.
  - b. The Model Law on Electronic Commerce helps businesses deal with online sales and contracts safely.
- UNCITRAL also works to make sure that laws related to contracts, transportation, and sales are the same in different countries, making trade easier.
- UNCITRAL helps businesses trade fairly and smoothly across borders, supporting a stronger global economy.

#### 6) Write a note on “International arbitration laws”

International arbitration laws are rules that help settle disputes between companies or people from different countries, without going to court. Instead of going to a national court, the parties agree to use an independent person, called an arbitrator, or a group of arbitrators, to make a decision that both sides must follow. This method is often used in international business to solve problems quickly and fairly.

A key law in international arbitration is the **New York Convention (1958)**, which makes sure that any arbitration decision made in one country can be recognized and enforced in other countries. This gives businesses confidence that they will be treated fairly, even if the dispute is in a foreign country. Another important law is the **UNCITRAL Model Law**, which helps countries set up their own rules for arbitration. By following this model, countries make their arbitration systems more similar, reducing confusion when solving disputes across borders.

For example, if a company in the US has a disagreement with a company in China, they may decide to solve the issue through arbitration in a neutral country, like Switzerland, instead of going to court. This process is often faster and easier for both sides.

#### 7) What is the TRIPS Agreement, and how does it help protect intellectual property across countries?

The TRIPS Agreement is a set of rules created by the World Trade Organization (WTO) that sets basic standards for protecting intellectual property (IP) in countries around the world. Intellectual property includes things like copyrights, patents, trademarks, and geographical indications. The main purpose of TRIPS is to ensure that creators, inventors, and businesses can protect their ideas and inventions in different countries.

For example, if a company invents a new drug, the TRIPS agreement makes sure they can protect their patent (the right to make and sell that drug) in many countries. This prevents other companies from copying the drug for a certain period, allowing the inventor to make money from their invention.

TRIPS also tries to find a balance between protecting IP and meeting the needs of society. For example, it allows countries to make exceptions for public health. This means, if there is an urgent need, like during a health crisis, countries can allow the production of cheaper versions of medicines, even if a patent exists. This happened in 2001 when the Doha Declaration was made, allowing countries to produce affordable medicines during health emergencies, such as for HIV/AIDS.

#### 8) How do international laws govern air and space rights to ensure safety and cooperation?

International laws on air and space rights govern the activities in the airspace and outer space. These laws are critical for ensuring safety, order, and cooperation among countries as they navigate through the complexities of air travel and space exploration. These laws have evolved over time, starting from the early 20th century as aviation began to develop, and later, expanding into the realm of space exploration.

**History and Evolution:** The modern framework of international air and space law began to take shape after the development of aviation in the early 1900s. With the rapid growth of aircraft and international air traffic, the need

for clear and coordinated regulations became apparent. Similarly, space exploration, which began in earnest in the mid-20th century, required international cooperation and regulation to prevent conflicts and ensure peaceful use of space. The laws governing air and space activities were formalized through various conventions and agreements, often under the auspices of the United Nations (UN) or other specialized agencies like the International Civil Aviation Organization (ICAO).

### Rights in Air and Space

- a. Each country has sovereignty over the airspace above its territory. This means that countries have the right to control and regulate aircraft flying within their airspace.
- b. International law allows aircraft to fly through airspaces of different countries, but this freedom is subject to conditions and international agreements. Countries must agree on flight routes and ensure that aviation safety standards are met.
- c. Outer space is not owned by any one country, and it is considered the "common heritage of mankind." This means that space activities should be conducted for the benefit of all countries, without any one country claiming territorial ownership.
- d. Both air and space laws emphasize the safety of operations and include provisions for liability in case of accidents or damages caused by aircraft or space objects.

### Role of International Laws in Air and Space Rights:

The role of international laws is to maintain peace, cooperation, and safety in air and space activities. These laws provide a framework for resolving disputes, establishing norms, and ensuring that air and space activities are conducted responsibly. They ensure that nations work together to prevent conflicts, protect the environment, and promote peaceful exploration and use of these domains.

### 9) "Discuss the conventions that regulate air and space rights."

### Several international conventions and agreements govern the use of air and space, each serving a specific purpose in maintaining order, safety, and cooperation.

<p><b>1. Chicago Convention (1944):</b></p> <p>The <b>Chicago Convention</b> laid the foundation for international aviation law. It created the International Civil Aviation Organization (ICAO), which sets global standards for air travel. For example, ICAO has set safety rules for airplane construction, navigation, and air traffic control. One of the key principles of the convention is the sovereignty of a country's airspace. This means each country controls the airspace above its territory. However, it also ensures the freedom of flight over international waters, allowing aircraft to travel between countries.</p> <p><b>Example:</b> After a plane crash, the ICAO helps investigate the incident and create better safety standards. The tragic crash of Air France Flight 447 in 2009, which was caused by a combination of weather and technical issues, led to new safety measures for monitoring aircraft systems in real time.</p>	<p><b>2. Geneva Convention (1948)</b></p> <p>The <b>Geneva Convention</b> protects the rights of people involved in international aviation, such as passengers. It ensures that if someone is harmed while flying, they can seek protection under international law. This convention aims to stop unlawful acts like hijacking or air piracy.</p> <p><b>Example:</b> The hijacking of Pan Am Flight 73 in 1986 by terrorists was a horrific incident. The Geneva Convention provides a framework for the legal response to such acts, including the protection of hostages and ensuring the accountability of perpetrators.</p>
<p><b>3. Tokyo Convention (1963)</b></p> <p>The <b>Tokyo Convention</b> deals with crimes that happen on board an aircraft, such as hijacking or disruptive behavior. It</p>	<p><b>4. Outer Space Treaty (1967)</b></p> <p>The <b>Outer Space Treaty</b> is one of the most important space laws. It states that outer</p>

allows countries to take action if a crime occurs while an airplane is flying through international airspace, even if the plane is not in their territory. This convention ensures that hijackers can be arrested, and that their actions are punished, regardless of where the plane lands.

**Example:** The infamous hijacking of TWA Flight 847 in 1985, which was taken over by terrorists, led to international cooperation under the Tokyo Convention to handle such incidents swiftly and legally

space is not owned by any country and is for peaceful exploration and use by all nations. This treaty prohibits countries from placing nuclear weapons in space and encourages international cooperation in space exploration.

**Example:** The space race during the Cold War led to significant space exploration, but the Outer Space Treaty helped ensure that nations like the U.S. and Soviet Union cooperated in peaceful missions, such as the Apollo-Soyuz Test Project in 1972.

### 5. Rescue Agreement (1968)

The **Rescue Agreement** is linked to the Outer Space Treaty. It ensures that if astronauts are in danger, other countries must assist them, no matter where they are in space or on Earth. This treaty makes the rescue of astronauts a shared responsibility.

**Example:** The rescue of Soviet cosmonauts during the 1975 Apollo-Soyuz mission highlighted the importance of international cooperation and the rescue agreement in space missions.

### 6. Hague Convention (1970)

The **Hague Convention** focuses on making aircraft hijacking an international crime. This treaty forces countries to cooperate in prosecuting hijackers. It aims to prevent terrorism and protect air travel.

**Example:** In 1985, the hijacking of Achille Lauro, a cruise ship, and the subsequent hijacking of an airplane by the same group of terrorists, showed the need for international legal responses, which was addressed by the Hague Convention.

### 7. Liability Convention (1972)

The **Liability Convention** holds countries responsible for damages caused by their space objects, whether those damages happen in space or on Earth. If a country's satellite crashes and damages another country's property, the responsible country must compensate for the damage.

**Example:** In 2009, an Iridium satellite and a defunct Russian satellite collided in space, creating debris. Under the Liability Convention, the responsible parties would be required to cover the costs of such incidents.

### 8. Montreal Convention (1999)

The **Montreal Convention** sets out the rules for airline liability in the case of accidents, including passenger deaths or injuries, and lost or damaged luggage. It simplifies the process for passengers to receive compensation after accidents. It also limits the airline's liability in some situations but ensures victims are fairly compensated.

**Example:** After the 2001 crash of American Airlines Flight 587, the Montreal Convention played a role in the compensation process for the victims' families, offering them legal clarity and compensation.

### 9. ICAO (International Civil Aviation Organization)

ICAO is the UN agency responsible for setting the standards and rules for international air travel. It ensures that aviation laws are followed, helps investigate air accidents, and works to make air travel safe for everyone. It also oversees air traffic control systems and the licensing of pilots and airlines.

**Example:** ICAO's intervention after the 2014 disappearance of Malaysia Airlines Flight 370 led to improvements in tracking aircraft, ensuring that such an incident wouldn't happen again.

### 10. UNOOSA (United Nations Office for Outer Space Affairs)

UNOOSA is the body that helps countries cooperate on space activities and promotes peaceful use of outer space. It works to ensure that space exploration is done responsibly and that space law is followed.

### **Situational Questions: (PYO)**

- 1. A Mail Steamer collided on High Seas with another Ship. There were allegations that the collusion was caused due to negligence of the Officer who was commanding the Steamer. As the Ship sank and some persons on Board Died.**

**a) Write the name of the famous cause relating to similar circumstances. Which Court gave the Judgment.**

**Name of the Case:** The M/V Saiga (No. 2) Case (Saint Vincent and the Grenadines v. Guinea) Court that Gave the Judgment : International Tribunal for the Law of the Sea (ITLOS)

**b) Explain the Judgment in short in the above case.**

The M/V Saiga, an oil tanker registered in Saint Vincent and the Grenadines, was detained by Guinea in 1997 for allegedly smuggling gas oil in Guinea's exclusive economic zone (EEZ). Saint Vincent and the Grenadines filed a complaint, claiming Guinea's actions violated international law. The International Tribunal for the Law of the Sea (ITLOS) ruled that Guinea had no jurisdiction to enforce its customs laws in the EEZ and ordered the immediate release of the vessel and crew. Guinea was also required to pay compensation for damages. The judgment emphasized the principle of freedom of navigation and reinforced the jurisdictional limits of coastal states under international maritime law.

- 2. A mall in Nairobi, the capital of Senya, was attacked by terrorists in which 200 people, including 100 nationals of V.K., were taken hostage. The Senyan military failed to rescue the hostages, and V.K. special forces carried out a covert operation to kill the terrorists and rescue the hostages. Senya protested, claiming that V.K.'s intervention violated its territorial integrity.**

**a) What is State Territory?**

State territory refers to the geographical area under a state's jurisdiction, including its land territory, internal waters (like rivers and lakes), territorial sea (coastal waters up to 12 nautical miles), airspace above the land and sea, and subsoil beneath them. The state has sovereignty over all these areas, meaning it has the authority to govern and enforce laws within its boundaries.

**b) What is the International Principle of Non-Intervention? What are its exceptions?**

The principle of non-intervention prohibits states from interfering in the internal or external affairs of other states. However, there are exceptions. A state may intervene in self-defense if it is attacked, or in humanitarian cases to stop human rights violations, with UN approval. Intervention can also happen if the state being intervened in consents, or if the UN Security Council authorizes the action. Additionally, some states may intervene to protect their nationals abroad, but this must be limited and proportional.

**c) Did the State of V.K. violate the principle of non-intervention? Why?**

The State of V.K. may have violated the principle of non-intervention by conducting a military operation in Senya's territory without its consent. However, V.K. could justify the intervention by arguing it was protecting its nationals held hostage. Whether the intervention was lawful depends on whether it was necessary, proportional, and accepted by the international community.

- 3. Bondana and Pacika are two neighbouring States having boundary disputes. To resolve their disputes both the countries decide to approach the International Court of Justice.**

**a) State the procedure followed by the Countries to approach the International Court of Justice.**

To approach the ICJ, both countries must consent to its jurisdiction, either through a special agreement, treaties, or declarations. The country filing the case submits an application with details about the dispute and

the legal grounds. The ICJ notifies the other party, who submits a counter-memorial. Both parties present written and oral arguments. After deliberation, the ICJ issues a binding judgment, though enforcement depends on the parties' compliance. If necessary, the matter can be referred to the UN Security Council.

**b) Write the two famous cases decided by the International Court of Justice.**

- **Temple of Preah Vihear (Cambodia v. Thailand, 1962):** ICJ ruled in favor of Cambodia, confirming the temple was in Cambodian territory, resolving a border dispute.
- **Gabcikovo-Nagymaros Project (Hungary v. Slovakia, 1997):** ICJ found both countries violated obligations over a dam project and called for a negotiated solution, emphasizing environmental concerns and cooperation.

**4. Recent times there have been ceasefire violation along the India - Pakistan Border on many occasions resettling into loss of life of Army men and Civilians.**

**(i) What are the results of such ceasefire violations under International Law?**

Ceasefire violations break international agreements, which can lead to countries facing criticism and possible punishment. These violations can threaten peace, and the United Nations may get involved, imposing sanctions or sending peacekeepers. Civilian deaths and injuries may also happen, which could lead to human rights violations. The countries involved could ask the International Court of Justice to settle the dispute, but both countries must agree. These violations can also harm relations between countries, making peace talks harder.

**(ii) What are the rights of affected States in such situations?**

Countries have the right to defend themselves if they are attacked, including responding to ceasefire violations. They can try to solve the problem through peaceful talks, ask for help from international organizations like the UN, or even go to the International Court of Justice for a legal solution. If there are humanitarian issues, they can ask for help from organizations like the Red Cross. Countries can also ask for compensation for any damages and have the right to investigate the violations and collect evidence to hold the responsible parties accountable.

**5. The 1972 Stockholm Conference had the effect of initiating worldwide participation and partnership in creating the awareness to preserve the environment from further damage.**

**a. State two major suggestions of the Stockholm Conference for the improvement of the environment.**

The Stockholm Conference recommended that countries have the right to use their resources but must not harm other countries' environments. It also stressed the importance of protecting natural resources like air, water, and wildlife, ensuring they are managed for the benefit of future generations.

**b. Write any two provisions which were inserted in the Indian Constitution as an impact of the Stockholm Conference.**

After the Stockholm Conference, India made two key changes to its Constitution. Article 48A was added, requiring the government to protect and improve the environment and safeguard forests and wildlife. Article 51A(g) was also added, making it the duty of every citizen to protect the environment, including forests, rivers, and wildlife.

**6. The Owners of two separate fishing vessels sailing under the Spanish Flags went to the Court claiming that their ships containing fresh catch of fish had been captured by the United States. They claimed that they were not aware of the existence of war and that their vessel was fishing on the coast close to Cuba. No incriminating material like arms was found on the fishermen and they did not make any attempt to run the blockade after learning of its existence nor did they resist their arrest.**

**a. Name the above mentioned case which deals with customary laws.**

The case in question is the Paquete Habana Case.

**b. What was the decision made by the United States Court in this case?**

**Decision by the United States Supreme Court:**

- The U.S. Supreme Court held that under customary international law, coastal fishing vessels, along with their equipment, cargo, and crew, are exempt from capture as prizes of war unless they are aiding the enemy.
- The Court cited historical precedents and international practices that recognized this exemption, affirming that customary international law is part of U.S. law and must be followed unless overridden by a treaty or an act of Congress.

**7. On January 23, 1925, the United States of America and the Netherlands referred their dispute concerning sovereignty over particular Islands to Arbitration by a Sole Arbitrator to determine whether the island in its entirety formed a part of the territory belonging to the United States of America or of the territory of the Netherlands.**

**a. Which case is being referred to here and explain the facts of the case.**

The United States of America and the Netherlands referred their case of dispute concerning dispute concerning sovereignty over the island of Palmas to Arbitration by a sole Arbitrator. For Arbitrator held that the Island of Palmas (or Miangas) formed in its entirety a part of Netherlands territory.

**b. What was the principle adopted by the Arbitrator in resolving the case.**

The principle adopted by the Arbitrator in resolving the case was sovereignty on the principle of contiguity and non-revocability.

**8. Thirty-seven states of the World are land-locked States. Nepal is also a land locked State and has no access to the sea for carrying out Commercial Activities.**

**a. Which UN Convention grants rights to land locked States ?**

The Geneva Convention on the High Seas of 1958, Convention on Transit Trade of Land Locked States or 1965 and The Convention of the Law of Seas of 1982.

**b. What are the rights of the land locked States?**

If there is a Transit Treaty with State then they can enjoy free excess to the Sea. Nepal has Treaty of Trade and Commerce so Nepal can enjoy free access to the Sea.

**9. A Russian tourist was gang raped by the employees of the local where she was staying while visiting a city. She left the country after the incident and a case was registered on her behalf for compensation.**

**a. Is there any breach of fundamental rights ? Explain answer with reasons**

Yes there is a breach of fundamental rights, right to live with dignity, equality before law and equal protection of law.

**b. Explain with case laws if any fundamental rights are available to foreign citizens.**

A State has as much jurisdiction over foreigners as over its citizen. Foreign citizens are also having fundamental rights, right to live with dignity, equality before law and equal protection of law. [Mighell v. Sultan of Johore, decided in 1893]

**10. Gold belonging to Company was wrongfully seized by the Republic. Soon afterwards war broke and the Republic was conquered and its territory was annexed by the Crown. The Company filed petition against the Crown for recovering the gold that had devolved on the Crown.**

**a. Will the Company succeed in the case? Give reason.**

The Company may not succeed in recovering the gold because once the Republic was conquered and annexed by the Crown, its assets, including the gold, would likely pass to the new sovereign under the principle of territorial sovereignty. The annexation of territory generally transfers ownership of assets to the new state.

**b. Enumerate the modes of acquisition and loss of territory by State.**

Territory can be acquired or lost by a state through various methods such as conquest, where land is gained by military force; cession, where territory is transferred by agreement; occupation, where unclaimed or disputed land is taken control of; accretion, where land is formed naturally; prescription, where continuous and peaceful possession leads to ownership; annexation, where land is forcefully added following conquest or occupation; and loss through war, where territory is lost due to military defeat. Additionally, territory can be lost through treaties or cessions made between states.

**11. The dispute arose between Denmark and Norway regarding Denmark's claim of Sovereignty over the whole of Greenland. The foreign minister of these two Governments had discussed the matter. However, the foreign minister for Norway had assured that the plans of the Danish Government respecting Danish Sovereignty over the whole of Greenland would meet with no difficulties on the part of Norway. This assurance was regarding Norway's attitude at the Paris Peace Conference of 1919. Decide**

**a) Which court has jurisdiction?**

Permanent Court of International Justice

**b) Give the name of the case.**

Eastern Greenland Case: P.C.I.J. (1933) A/B No. 53 (3WCR 151)

**c) Whether the declaration made by the Foreign Minister for Norway was binding by force?**

No, Declaration is not binding on the State regardless of whether it was made orally or in writing.

**d) Give the reasons for decisions?**

- Occupation to be effective, it is necessary to have the intention to establish sovereignty over the territory concerned, and
- There should be some actual exercise of such authority.

**12. The Paquette Habana, Fishing boat and another fishing boat Lola, flying the Spanish flag, and belonging to Spanish subjects, were captured by United States warships in the Blockade of the North Coast of Cuba. They were brought before the court for condemnation. Decide.**

**a) Whether, under customary International Law, fishing boats were exempted from capture? Give Reasons.**

Yes, Fishing Boats were free from capture.

**b) Which court has jurisdiction?**

The Supreme Court of America.

**c) What is the name of the case?**

Paquete Habana and the Lola case [175 US (1900) P. 677 at P. 700].

**13. Delegates from the German Colony of Southwest Africa went to visit members of the post of Naulilaa in Angola, South West Africa was German and Naulilaa was Portuguese. They wanted to discuss food that would be imported, however they used translators to do the conference unable to speak the language clearly the Portuguese speakers felt threatened, so they fired upon the German Speakers. Killing two of them so German retaliated by sending troops to attack Naulilaa and other outposts. The Portuguese people of that region left for safety. The issue went to three Swiss arbiters, and Portugal relied on a territory it had from 1915. Decide.**

**a) Were the actions by both sides reasonable?**

No, the actions by both the sides was not reasonable.

**b) Whether this reprisal was legal?**

Reprisal refers to the compulsory means of settling an international dispute. The Tribunal stated that the right to reprisal is subject to certain restrictions:

- i) Reprisals are considered illegal unless they are based on a previous act that contradicts international law.
- ii) There must be a specific proportion between the offense and the reprisal for the latter to be considered legitimate.
- iii) Reprisals are only considered legitimate when they have been preceded by an unsuccessful demand for redress, and the use of force is justified only when it is necessary.

**c) What was the name of the case?**

Naulilaa Incident Special Tribunal: Germany V. Portugal [(1928) RIAA 1012, 1019].

**14. The State of Iraq annexes the neighbouring State of Kuwait. The U.N. Security Council passed a Resolution directing the State of Iraq to withdraw its forces from the State of Kuwait. When the State of Iraq refused to comply with the Resolution, the UN Security Council passed a further Resolution calling upon all the member states to provide support to military action against the State of Iraq.**

**(i) Are the UN Security Council Resolutions passed under the UN Charter binding on States?**

Yes, the UN Security Council Resolutions passed under the UN Charter are binding on the States.

**(ii) Does the UN Security Council have power to take military action against the States which do not comply with its Resolution?**

Yes, the UN Security Council has the power to take military action against States that do not comply with its Resolution.

**(iii) Write a Historical Precedent governing the situation.**

The situation was governed by the Historical Precedent, which was established with Resolution 687(1991) of April 3, 1991, Gulf War II (2003). It stated that "if the principle of non-use of force is violated unjustifiably by the States, the maintenance of international peace and security will be at risk, and the existence of the United Nations will be called into question."

**15. In the District of O.P. in India, many cases of Communal Violence have taken place in the last four months in which instances of atrocities against members of the minority community have been reported. Mr. X is one such victim from the minority community, and he has demanded an inquiry into these cases.**

**(i) Which Commission can take cognizance of Mr. X's complaint?**

The National Commission for Minorities.

**(ii) What are the powers concerning Inquiry of the Commission?**

The authorities related to the investigation by the commission encompass:

- (1) Unfair treatment in employment and job opportunities.
- (2) Unfair treatment regarding religious practices and political rights.
- (3) Unfair treatment in the right to leave or return to any country.
- (4) Unfair treatment of individuals born to unmarried parents.
- (5) Fairness in the application of legal processes.
- (6) Racial bias in the political, economic, social, and cultural domains.

**(iii) Write Constitutional provisions for Protection of Minorities.**

The Constitution of India includes provisions to protect the rights of minorities under:

- Article 14: Equality Before Law
- Article 15: Prohibition of discrimination based on religion, race, caste, sex, or place of birth
- Article 29: Safeguarding the interests of minorities.

**16. On October 22, 1946, two British warships passing through the strait of Corfu were struck with mines in Albanian territorial waters with the result that H. M. S. Sarmarez sank while H. M. S. Volage was seriously damaged. The Channel was swept by the British Navy on November 12th and 13th, without obtaining consent of the Albanian authorities. A newly laid field of anchored mines was discovered. Great Britain alleged that Albania was responsible for the presence of the mines in the channel.**

**a. What is the name of the case? And which court decided the case?**

Name of the Case: The Corfu Channel Case  
Court: The International Court of Justice (ICJ)

**b. What was the decision?**

The ICJ held Albania responsible for the mines in its waters that damaged British ships. The court also ruled that Britain's sweeping operation without Albanian consent violated sovereignty. Albania was ordered to compensate Britain.

**17. In the light of recent aggression by Russia on Ukraine. Answer the following**

**a. What kind of sanctions would the United Nations Security Council impose on Russia in response to an invasion?**

The UNSC can impose economic sanctions (trade restrictions, asset freezes, investment bans), diplomatic sanctions (severing ties, travel bans), military sanctions (arms embargo, naval blockades), sectoral sanctions (energy and technology), and humanitarian sanctions (ensuring aid reaches civilians).

**b. If Russia occupies parts of Ukraine, what would happen to the rights of aliens in that place?**

The rights of aliens in occupied territories would be governed by international humanitarian law, particularly the Geneva Conventions.

**18. "International Law is the name for the body of customary and treaty rules which are considered legally binding by states in their intercourse with each other".**

**a. Discuss the Constitutional provisions on treaty-making and its implementation in India.**

- In India, the authority to make treaties is with the executive branch, represented by the President, though in practice it is exercised by the Government or the Council of Ministers.
- Article 73 of the Constitution gives the President executive power over matters Parliament can legislate on, including entering into treaties and agreements.
- The government can sign treaties, but if a treaty impacts the rights of Indian citizens or changes existing laws, Parliament must pass a law to implement it domestically.

- Article 253 allows Parliament to make laws needed to put treaties, agreements, or international decisions into effect in India.
- Legislative powers in India are divided between the central government and the states, as outlined in the Seventh Schedule of the Constitution.
- Entry 14 of the Union List gives the central government exclusive power to make laws related to treaties and agreements with other countries and to implement them in India.

**b. Discuss the role of the Indian judiciary in the effectuation of international legal obligations.**

- The Indian judiciary plays an important role in applying international legal obligations within India's legal system.
- Courts interpret domestic laws in a way that aligns with international law, unless there is conflicting legislation.
- In the Vishaka v. State of Rajasthan (1997) case, the Supreme Court used international conventions to create guidelines for preventing workplace sexual harassment.
- Indian courts have incorporated treaty provisions into domestic law when there is no conflict, as seen in the Gramophone Company case (1984).
- The judiciary also aligns Indian law with international human rights norms, like in the Chandrima Das case (2000), where the Universal Declaration of Human Rights was used.
- The Indian courts recognize customary international law as binding, as long as it doesn't conflict with domestic laws.

**19. China's expanding international presence has extended into conflict zones and fragile states of strategic interest to the United States.**

**a. Discuss Balance of Power and amicable settlement of disputes.**

The balance of power is the idea that countries should have equal military and economic strength so that no single country or group of countries can control others. In international relations, this balance helps prevent one country from becoming too powerful and causing instability, and it promotes peace by making sure no one dominates the others.

**b. Principle of 'No Use of Force'**

The principle of "No Use of Force" means that countries are not allowed to attack or use military power against each other. This rule, found in the United Nations Charter, says that all countries should respect each other's borders and independence and should not threaten or harm each other with force. Instead, countries should solve their problems through peaceful methods like talking, making agreements, or going to court. This principle aims to keep peace and prevent wars.

**20. As a result of disputes between East Pakistan and West Pakistan, a new state emerged by the name Bangladesh. India was the first state to recognize Bangladesh.**

**a. If Bangladesh is not recognized by any country of the world, what will be the consequences for the same? Explain.**

If Bangladesh were not recognized by any country, it would face isolation, economic struggles, political instability, security concerns, and difficulties in receiving international help during crises.

**b. Define recognition.**

Recognition is when other countries acknowledge an entity as a state, confirming its ability to have a population, territory, government, and engage in relations with other states.