

**NINTH SEMESTER LL.B. (FIVE YEAR) AND FIFTH SEMESTER
LL.B. (THREE YEAR) DEGREE EXAMINATION, MAY 2011**

HUMAN RIGHTS AND INTERNATIONAL LAW

Time : Three Hours

Maximum : 80 Marks

Part A

I. Answer any *five* questions. Each question carries 4 marks :

- (a) "Oppenheim's definition of International Law, which was considered appropriate at one time, is now subjected to severe criticism. It has become obsolete and inadequate". Discuss the criticisms levelled against it attempting modern definitions of international law reforming the definition of Oppenheim.
- (b) Discuss the theories as to the basis of international law.
- (c) What is State ? What are the incidences of State ? Describe the various types of states.
- (d) Explain state succession and discuss the different kinds of state succession. Discuss the consequential rights and duties arising out of state succession.
- (e) What are the various steps in the formulation of treaties ? Describe. Explain Reservations and their effect in relation to treaties.
- (f) Describe the different ways in which a treaty may be terminated.
- (g) What are the functional activities of the Security Council with regard to the maintenance of international peace and security ?
- (h) What is the importance of the UN Charter as an international instrument for the protection of human rights ?

(5 × 4 = 20 marks)

Part B

II. Answer any *three* problems. Each problem carries 10 marks : —

- (a) As a result of the nationalisation by the government of State A the timber Mill belonging to the plaintiff was acquired. Later the government of State A entered into a contract with the defendant for the sale of some timber. The plaintiff then brought an action in the British Court to declare that the timber bought by the defendant under the said contract was the property of the plaintiff. The defendant argued that State A was a sovereign State and by the act of such a State, the ownership of the plaintiff was lost. But the contention of the plaintiff was that the British Government had given only de facto recognition to State A, and therefore State A cannot be treated as a sovereign state so that the act of such a state could deprive the plaintiff of his ownership. Decide.

Law - DF

IMMUNITY - DF

H. S. → E - DF

I - DF Turn over

C. P. - DF

C. P. - No Succ.

CABLE →

- (b) Country N was entrusted to Country SA under the Mandatory Commission of the League of Nations to develop it and to make it capable of becoming independent. After the dissolution of the League of Nations the functions of the Mandatory Commission were given to the Trusteeship Council which was an Organ of the United Nations. The question is whether there could be any succession by the Trusteeship Council of the functions of the Mandatory Commission. Examine and decide.
- (c) A Peruvian citizen was charged with rebellion. Columbia granted him political asylum, in her embassy in Peru. Afterwards the Columbian Ambassador requested permission of Peruvian government to take him out of Peru, on the assumption that the detainee was a political prisoner. The Peruvian government did not agree with the assumption of the Columbian government that the Peruvian citizen was a political offender and therefore rejected the request of the colombian government. The matter when referred to the International Court of Justice, the question before the court was whether Columbia as the state granting asylum was competent to qualify the offence as political by a unilateral decision binding on Peru. Examine and discuss.
- (d) The accused was an anarchist who did not belong to any political party and was opposed to all sorts of Government. He was charged with causing explosions in a Paris Caffe. After committing the offence he fled to England. The French Government requested for his extradition to France. The accused contended that he had not committed any extraditable offence because the crime committed by him was of a political nature. Examine the nature of the offence committed by the accused and decide as to whether there can be any extradition of the accused.

(3 × 10 = 30 marks)

Part C

III. Answer any *two* questions. Each question carries 15 marks :

- (a) What are the sources of International Law ? Discuss how international custom and international conventions have developed into sources of international law. Explain clearly the distinction between law-making treaties and treaty-contracts, stating how treaty contracts help in the development of customary rules of international law.
- (b) Explain the concept of Human Rights. What are the international instruments, for the protection of human rights ? Discuss the various rights protected in those international instruments. Briefly examine the machinery for the enforcement of those rights.
- (c) Discuss the constitution and functional activities of the U.N. General Assembly and the Security Council as the vital organs of the UN.
- (d) What are the different methods under the UN for the pacific settlement of international disputes ? What were the contributions of the Permanent court of arbitration ? Explain the organisation and jurisdiction of the International Court of Justice in the judicial settlement of international disputes.

(2 × 15 = 30 marks)