

Seat No: _____

No. of Printed Pages : 2

[A22 & A-27]

SARDAR PATEL UNIVERSITY

B.A./B.B.A./B.COM., LL.B. (HON.) (5 YEARS INTEGRATED LAW)

Seventh Semester Examinations 2016

Friday, 25th November, 2016

2:00 P.M. to 4:00 P.M.

UL07CBLH03: International Law

Marks: 50

Q1. Solve any two problems:

[10]

- A. The Russian Gas Co. signed an agreement with the American government in 1956. In the spring of 1975 the American government passed multiple laws that nationalized the Gas industry in America. Because of this, a dispute between the Russian Gas Co. and America arose. The United States adopted the cause, stating the virtue of diplomatic protection. The USSR government signed and ratified the declaration of compulsory jurisdiction for the ICJ in 1955. There are no treaties between the USSR and America that are relevant to this case that have been written since 1955. The American government states that the declaration of compulsory jurisdiction only applies to treaties signed after the ratification of the declaration and, therefore, believes the ICJ (International Court of Justice) does not have jurisdiction of this dispute. The USSR does not believe the Russian Gas Co. has been treated in accordance to the principles and practice of treaties signed with Lybia and other States since the declaration. The USSR also claims the contract signed between the Russian Gas Co. and America in 1956 was a double charter, and therefore counts as a treaty or convention. Do you think ICJ has its jurisdiction explain the same with proper case laws.
- B. Samrat, born October, 31st 1983 Kenya, he possessed African citizenship. Although he lived in Kenya from 1983 until 2016 he never became a citizen of Kenya. On October 20, 1999, Samrat applied to become a naturalized citizen of Liechtenstein. The application was approved and he became a citizen of Tanzania. He then returned to Kenya on his Tanzania passport and informed the local government of his change of nationality. When he tried to return to Kenya once again in 2010 he was refused entry as an enemy alien since the Kenya authorities did not recognise his naturalisation and regarded him as still African. It has been suggested that the timing of the event was due to the recent entry of the United States and Africa into the Second World War. He was later extradited to the United States, where he was held at an internment camp until the end of the war. All his possessions in Kenya were confiscated. After his release, he lived out the rest of his life in Tanzania. The Government of Tanzania granted Samrat protection against unjust treatment by the government of Kenya and petitioned the International Court of Justice. However, the government of Kenya argued that Samrat did not gain Tanzania citizenship for the purposes of international law. The court agreed and thus stopped the case from continuing. Is the court's decision appropriate explain with relevant cases.
- C. A collision occurred on the high seas between a two vessels in which one sank and killed eight British nationals on board in one vessel. The 10 survivors of the another vessel (including its aptain) were taken to Britain on board. In Britain, the officer on watch of the one vessel, and the captain of the British ship were charged with manslaughter. One Ship, a Canadian national, was sentenced to 80 days of imprisonment and a fine. The Canadian government protested,

demanding the release of Ship or the transfer of his case to the Canadian Courts. British and Canada agreed to refer this dispute on the jurisdiction to the Permanent Court of International Justice (PCIJ). Did Britain violate international law when Britain courts exercised jurisdiction over a crime committed by a Canadiannational, outside Britain? If yes, should Britain pay compensation to Canada? Explain with relevant cases laws.

D. Both London and the America submitted an individual dispute with Australia to the ICJ involving claims. These two separate claims were joined by the ICJ, and decided as one case. The parties sought a method by which the Marine could be fairly delimited. All parties agreed the Court was not to physically apportion claims, but merely prescribe a method of delimitation for the parties to follow. London and America argued that the method of equidistance should be implemented. This is that each State claimed all areas that are closer to itself than any other state. They claimed that the Geneva Convention supported this method. Moreover, it was alleged to have been an *a priori* rule of law, a rule of customary international law, and a general rule of conventional practicality. Australia, who had not ratified the Geneva Convention, claimed that the rule of equidistance was unfair. The State also argued for an apportionment of the shelf that was proportional to the size of each state's adjacent land. Is the Geneva Convention binding on a State that has not ratified it? Explain the same with proper case laws.

Q2. What is International Law? Discuss the sources of International Law. [15]

OR

Q2. Define State in International Law. Explain the mode of acquisition and loss of territory. [15]

Q3. What is law of Diplomatic Agents in International Law? Explain the functions and also mention the privileges and Immunities of Diplomatic Agents. [15]

OR

Q3. Explain the meaning of Extradition in International Law and explain the Indian Extradition Act, 1962 in detail: [15]

Q4. Write Short Notes: (any two) [10]

- i. General Assembly
- ii. Permanent Court of Arbitration
- iii. Aircraft Hijack
- iv. Nationality

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2