LLB –Part 2
Public International law
(Paper-VI)

Preface

Public International law

Q # 1 Principal sources of International Law reference to the article 38 of the statute of internal court of justice 2

Q # 2 To what extent can municipal court apply International law with reference to different theories in municipal law 5

Q # 3 Theories of recognition of states such as De facto and De Jure and difference between them 8

Q # 4 Define International law and subjects of international law 11

Q # 5 Discuss the law of state responsibility 14

Q # 6 what are elements of statehood? Also define the different kinds of states 17

Q # 7 Define Nationality? How it is acquired and lost? 20

Q # 8 Define different modes of acquisition and loss of territory 23

Q # 9 what are different modes of settlement of international disputes 26

Q # 10 what are the common rules of international law which governs extradition in the absence of an extradition treaty 29

Q # 11 Discuss the privileges and immunities enjoyed by the diplomatic envoys and their duties 32

Q # 12 Pirates are enemy of mankind. Discuss law for pirates in detail 35

Q # 13 Discuss in detail the role of international court of justice in judicial settlement of international disputes 38

Q # 14 Write a detailed note on the right of self-determination. 41

Q # 15 Discuss the development of the law of Human Rights after the formation of United Nations 44

Q 1: What are principal sources of International Law reference to the article 38 of the statute of internal court of justice?

1) Introduction

- International law is a body of rules which have been accepted by all the legally recognized countries and all the countries follow these rules in dealing with each other. It is also known as Public international law or law of nations. Under the Article 38 of international law, there are multiple sources of international law such as customs, treaties, judicial decisions etc.

2) Definition of International law

- International law is a body of rules which have been accepted and recognized by the civilized nations in order to conduct their mutual official affairs with each other.

3) Sources of International law

Under the article 38 of international law, following are the sources of internal law. Details are as under.

i. International treaties

- Under the article of 38 of International court of law, international treaties are the major sources of international law which is between the two or more nations in order to conduct their mutual official affairs under the internationally recognized rules of law because such kind of international treaties of the countries are being considered by the international court of justice during the enactment of International law.

ii. International customs

- Under the article of 38 of International court of law, international law is derived from customs that what is permissible and what is impermissible under the International law in order to conduct their mutual official affairs because such kind of international customs of the countries are being considered by the international court of justice during the enactment of International law.

➢ **Essentials of valid customs**

Following are the essentials of valid customs.

1. Must be Immemorial and reasonable
2. Must be universal
3. Certainty and peaceful enjoyment
4. Not opposed to public law
5. Not opposed to public policy
6. Consistent with each other

iii. International conventions

- Under the article of 38 of International court of law, international conventions are a source of international law, because agenda of such kind of international conventions of the countries are being considered by the international court of justice during the enactment of International law.

iv. Judicial decisions

- Under the article of 38 of International court of law, judicial decisions also are the source of international law, because such kind of judicial decisions of the courts are being considered by the international court of justice during the enactment of International law.

v. Common Principals of law

- Under the article of 38 of International court of law, the next source of international law is referred to as "general principles of law common to all civilized nations" such kind of common principals of law are also being considered by the international court of justice during the enactment of International law.

vi. Writing of publicists

- Under the article of 38 of international court of law, writings of publicists (Highly qualified writers of any states) of the various nations are also being considered by the international court of justice during the enactment of International law

4) Classifications of sources of International law

Sources of International law have been classified into the following categories.

1. Material sources

- Material sources of international law are such sources which elaborate the origin and validity of the international law, under discussion of this source it is found that international law has been enacted by International court of justice from keeping in view the judicial decisions, international customs, international conventions, as well as writings of publicists etc.

2. Formal sources

- Formal sources of international law are such sources which elaborate the origin and validity of the international law, under discussion of this source it is found that international law has no its own legislatures as well as its validity according to its application.

5) Subjects of International law

Following are the subjects of international law and it applies on the following.

1. Kings and rules of various states
2. Diplomats of various states
3. Minorities of the states
4. Indigenous Peoples (Ghair Mulki)
5. International states
6. International organizations.
7. International Territories.
8. International institutions.
9. International criminal law
10. Non- state entities.

6) Domains of International Law

International Law includes the following concepts of law in international legal systems. International Law is acceptance by the nations which constitute the system. The following are major substantive fields of international law:

1. International economic law
2. International security law
3. International criminal law
4. International environmental law
5. Diplomatic law
6. International law of war.
7. International human rights law

7) Conclusion

- To conclude I can say that, international law has multiple sources of its own creating such as judicial decisions, international customs, international treaties, international agreements etc. International law has been enacted by the International court of law in order to administer the international affairs of the various countries for better smoothness of official operations among the different countries and it applies on different subject as cited above.

Q 2: To what extent can municipal court apply International law with reference to different theories in municipal law?

1) Introduction

- International law is a body of rules which deals with disputes and matters between nations and municipal law are such law which deals with disputes and matters of individuals on domestic level or individual's matter with the state. Municipal law is also known as national law. In narrower sense, municipal law it means those laws which deal cities, towns and their local government. There is a huge difference between both of two.

2) Definition of International law

- International law is a body of rules which have been accepted and recognized by the civilized nations in order to conduct their mutual official affairs with each other.

3) Definition of Municipal law

- Municipal law is a body of rules which is an internal land of the state and it deals with the internal disputes and matters of individuals on domestic level.

4) Theories of relationship between Internal law and Municipal law

Following are theories about relationship between International law and Municipal law.

i. Monistic theory

- According to the supporters of this theory, international law supersedes the municipal law, and there is no need to implement municipal law where international law is implemented, no one can interrupt the applicability of the international law.

ii. Dualistic theory

- According to the supporters of this theory, international law and municipal law are totally different laws in their nature. International law cannot be applied in any state without transforming them into municipal laws. According to this theory, international law at any cost can supersede the municipal law and municipal law is always supreme law of state.

iii. Transformation theory

- According to the supporters of this theory, none of international law can be applied on municipal law until it has been transformed into national law or municipal law.

iv. Delegation theory

- According to the supporters of this theory, international law delegates the powers to the states for enactment of laws in accordance with their constitutions, and such kind of legislation will be implemented on municipal law and can come into force.

v. Specific adoption theory

- According to the supporters of this theory, international law cannot be applied on municipal states until and unless it has been adopted by the municipal law by way of enactment. And it cannot give effect until its adoption is pending

5) Application of international law in municipal sphere

The application of international law within municipal law is very complex because it depends on the nature of municipal laws of the state. But following are practices of different countries regarding application of International law in their municipal laws.

i. Application in United States

- According to the United States constitution, treaties shall be the supreme law of the states, treaties are signed by the president but are approved by the 2/3 majority of the senate. and treaty becomes the part of municipal law and municipal law supersedes on the international law in case of any conflict between these two

ii. Application In United Kingdom

- According to the United Kingdom constitution, treaties are purely executive act instead of legislative act, and treaty becomes the part of municipal law and municipal law supersedes on the international law in case of any conflict between these two.

iii. Application in Pakistan

- According to the Pakistan constitution, Pakistani courts are empowered to interpret the international law in municipal sphere for application of international law. If there is no conflict between international law and municipal law, the municipal law will give effect to the international law if conflict is exist, in this case municipal law will be applied as law of the land.

iv. Application in Pakistan

- According to the Soviet Union constitution, Soviet Union courts are empowered to interpret the international law in municipal sphere for application of international law. If there is no conflict between international law and municipal law, the municipal law will give effect to the international law if conflict is exist, in this case municipal law will be applied as law of the land.

v. Application in France

- According to the France constitution, this constitution says that the International law is also a part of municipal law and in order to apply any international law , the municipal law will be applied in this regard.

6) Difference between international law and municipal law

Following are the differences between International law and municipal law.

I. As to Law

- International law is the law of nations which deals with the disputes of nations
- Municipal law is the law of the individuals which deals with individuals disputes

II. As to conflict of laws

- International law is not subject to conflict of laws.
- Municipal law is subject of conflict of laws.

III. As to application

- International law applies on all the legally recognized states.
- Municipal law applies on the one particular state.

IV. As to enforcement

- International law is not enforced by physical force of the state
- Municipal law is enforced by physical force of the state.

V. As to source

- International law is derived from various states.
- Municipal law is derived from one particular state.

VI. As to strength

- International is considered as a weak law
- Municipal law is considered as a powerful law

7) Conclusion

- To conclude I can say that the international law and the municipal law are very different in nature but at the time of application of international law as municipal law of the state if there is found any conflict between these two, in this case the municipal law of the land will be implemented as the law of the land and municipal law supersedes in this regard and it has multiple theories regarding application of this rule.

Q 3: Discuss in detail the theories of recognition of states such as De facto and De Jure and difference between them?

1) Introduction

- Under the Public International Law, recognition basically is the acknowledgment of the status of State by other independent states. The recognition of a state is a political act of other states. But recognition is not a final proof of the existence of any state but the act of recognition declares that a state fulfills the conditions of statehood as are mentioned under the international law.

2) Definition of recognition

- Recognition of a state is meant, when all independent existing states of the international community accept that a new state fulfills the all the conditions of statehood as mentioned in the International law, is called recognition

3) Kinds of recognition

Following are the two kinds of recognition such as De facto recognition and De Jure recognition.

i.De Facto Recognition

- De facto recognition is a factual recognition. De facto recognition is not permanent recognition but temporary, where other states consider that new state has not attained the status of full established state and grant it provisional recognition which is name as De facto recognition, but granting of this recognition indirectly shows the intention of others countries that they will grant it De jure recognition once the country has attained the requirements of a fully established state

ii. De Jure Recognition

- De jure recognition is an actual recognition. De jure recognition is a permanent recognition, and it is grant when other states consider that new state has attained the requirements of a fully established state and grant it final recognition which is name as De Jure recognition, and this recognition is granted after De facto recognition on the following grounds

    1. State is able to sustain in any conditions
    2. State has attained the general support of the population
    3. State is able to fulfill International obligations

4) Modes of recognition

Following are the two modes of recognition of a state by other states.

a) Express recognition

- Express recognition is such recognition where existing states of international community recognize new state by releasing a public statement by way of notification with the intention of recognition. Such recognition is called expressed recognition which is in written

b) Implied recognition

- Implied recognition is such recognition where existing states of international community recognize new state sending any agent or any diplomat on the behalf of their countries or by way of having a talk with the head of the state, with the intention of recognition. Such recognition is called implied recognition which is not in written

5) Theories of recognition

Following are the theories of recognition of state.

a) Constitutive theory

- Constitutive theory of recognition is such theory when new state is internationally recognized as sovereign by other sovereign states of the international community, is called constitutive theory of recognition.

b) Declaratory theory

- Declaratory theory of recognition is such theory when any state which attains the status of statehood, in this case the acknowledgement of recognition of a state by others states is just a formality and it needs to be declared by others states necessarily as established state, is called declaratory theory

6) Legal effect of Non-Recognition

Following are the legal effects of non-recognition of a state.

1) A state cannot sue against other state in the International court of justice
2) A state cannot send his diplomats in others states
3) A state cannot acquire the right of ownership on piece of land in any other state
4) A state cannot become a part of international community

7) Legal effect of recognition

Following are the legal effects of recognition of a state.

1) A state can sue against other state in the International court of justice
2) A state can send his diplomats in others states
3) A state can acquire the right of ownership on piece of land in any other
4) A state can become a part of international community

8) Essentials of statehood

Following are the essential elements of statehood.

1. There must be population
2. There must be a government which commands the state
3. There must be a sovereign authority who commands the state
4. There must be a piece of land or territory which has specific area and its boundary line

9) Difference between De facto and De Jure recognition

Following are the differences between De facto and De Jure recognition.

I. As to recognition

- De facto recognition, is a factual recognition
- De Jure recognition, is an actual recognition

II. As to process

- De facto recognition, does not complete the process of law
- De Jure recognition, completes the process of law

III. As to Nature

- De facto recognition is temporary in nature
- De Jure recognition is permanent in nature

IV. As to right

- De facto recognition does not give rise to rights of state
- De Jure recognition gives rise to rights of a state

V. As to diplomacy

- In De facto recognition diplomats cannot be appointed
- In De Jure recognition diplomats can be appointed

VI. As to revocation

- De facto recognition can be revoked at any time
- De Jure recognition cannot be revoked at any cost

VII. As to Scope

- De facto recognition is narrow in scope as it is not recognized by UNO
- De Jure recognition is greater in scope as it is recognized by UNO

10) Conclusion

- To conclude I can say that any of the new state cannot become a legal state until it is recognized by other legal states of the international community and in order to obtain legal recognition every state will have to acquire the status of established state which is being capable to perform the duties and obligations set by the international community

Q # 4: Define International law and subjects of international law?

1) Introduction

- International law is a body of rules which have been accepted by all the legally recognized countries and all the countries follow these rules in dealing with each other. It is also known as Public international law or law of nations. Under the Article 38 of international law, there are multiple sources of international law such as customs, treaties, judicial decisions etc.

2) Definition of International law

- International law is a body of rules which have been accepted and recognized by the civilized nations in order to conduct their mutual official affairs with each other.

3) Definition of United Nations

- The United Nations is an international organization which was established in 1945 to increase political and economic cooperation among its member countries.

4) Subjects of International law

Following are the subjects of international law and it applies on the following.

i. International states

- International states are the subjects of international law, because international law regulates the administration of the states and define their duties and obligation towards others countries as a member of international community.

ii. Individuals

- According to some jurists under the international law, individual are the only objects of the international law, not the subjects of law, but according to another class of jurist the individuals are the subject of international law, international law defines some international rules related to human beings living in different territories. And imposes some obligations on individuals as well as vests some rights too.

iii. Kings and rulers of various states

- Kings and rules of different states are the subjects of international law, because international law defines the particulars rules and regulations for all the kings and rulers of the different states as well as it also defines the privileges of these personalities in International law, such as “king can do no wrong” is a privilege in its nature.

iv. Diplomats of various states

- Diplomats of different states are the subjects of international law, because international law defines the particulars rules and regulations for all the diplomats of the different states as well as it also defines the rights and duties of the diplomats who are presenting their country while living in other country.

v. Minorities of the states

- Minorities of all recognized states are the subjects of international law, because international law defines the rules and regulations regarding protection of the rights of minorities and duties imposed on them

vi. Indigenous Peoples (Ghair Mulki)

- In recent years, , minorities of all recognized states are the subjects of international law, because international law defines the rules related to recognition of group rights of indigenous peoples and it is very similar to the minorities who have particular relationship with their territory.

vii. International organizations

- International organizations are also subject to international law; because these are established by an agreement between the two nations for specific purposes and such organizations performs their functions outside the boundaries of the country. Keeping in view the role of such organizations the international law set some rights and duties of such organizations.

viii. International institutions.

- International institutions are also subject to international law; because these are established on international level for specific purposes and such institutions performs their functions outside the boundaries of the country. Keeping in view the role of such institutions the international law set some rights and duties of such institutions.

ix. International criminal law

- International criminal law is also subject to international law, all criminals who commit the crimes wherever in the world they cannot escape themselves from punishment because international law has set rules and regulations regarding the punishment of offense which is committed by the offender but municipal law of that territory will be preferred during imposition of penalty.

x. Non- state entities.

- There are certain entities which are not subject to independent States; they have limited powers under International Law. International law has defined some rights and duties of such entities. These have been vested with right to participate and enter into international treaties.

xi. International Territories.

- There are certain territories which are not subject to independent States, they have no powers under International Law and are administered by United Nations under the trusteeship system, and International law has defined some rights and duties of such territories.

5) Domains of International Law

International Law includes the following concepts of law in international legal systems. International Law is acceptance by the nations which constitute the system. The following are major substantive fields of international law:

8. International economic law
9. International security law
10. International criminal law
11. International environmental law
12. Diplomatic law
13. International law of war.
14. International human rights law

6) Conclusion

- To conclude I can say that, there are a lot of subject of international law and it has been enacted for specific unique subjects such as rights and privileges of kings and rulers of the different states such as “king can do no wrong” is a privilege to the kings of all nations, rights and privileges of diplomats and individuals rights and indigenous peoples rights and some of others are subjects of international law

Q # 5: Discuss the law of state responsibility?

1) Introduction

- The law of state responsibility is one of the fundamental principles of International law. It defines those circumstances in which a state would be held responsible for their unlawful acts or omissions and become liable to pay compensation to injured state against breach of obligation. The law of state responsibility comes into force when any obligation is breached between the two or more nations and these rules applied on such kind of violation.

2) Definition of state responsibility

- State responsibility is such responsibility when a state commits an international wrongful act or wrongful omission according to rules of international court of justice and held responsible for their act or omission, is called state responsibility.

3) Conditions of state responsibility

Following are the two conditions only when a state is held responsible for its deeds.

i. During time of war

- State may be held responsible for its deeds during the time of war if state violates internationally recognized rules of war.

ii. During time peace

- State may be held responsible for its deeds during the time of peace if state violates internationally recognized rules.

4) Nature of state responsibility

Following are the two major natures of a state responsibility under the international law.

a) Strict liability of state

- Under the international rules of law, strict liability of a state is such liability when state is held responsible for the wrongs committed or omitted by it against the aliens who are living in this country. And aliens can file case against the state in order to get compensation.

b) Vicarious liability of state

- Under the international rules of law, vicarious liability of a state is such liability when state is held responsible for the wrongs committed or omitted by its citizen against the aliens who are living in this country. And aliens can file case against the state in order to get compensation.

5) Kinds of state responsibility

Following are the different kinds of state responsibility.

a) State responsibility against the acts of government

- State is responsible for the wrongs if these wrongs have been committed by the it's government organs and causes an injury to aliens. In this case aliens can file the case against the state for compensation.

b) State responsibility against the acts of individuals

- State is responsible for the wrongs if these wrongs have been committed by the individual of the state and causes an injury to aliens. In this case aliens can file the case against the state for compensation.

c) State responsibility against the act s of revolutionaries

- State is responsible for the wrongs if these wrongs have been committed by the revolutionaries of the state and causes an injury to aliens. In this case aliens can file the case against the state for compensation.

d) State responsibility in case of injury to aliens

- State is responsible for the wrongs if these wrongs have been committed by any organ of the state such as any individual or organization or otherwise and causes an injury to aliens. In this case aliens can file the case against the state for compensation.

e) State responsibility against the breach of obligation

- State is responsible for the breach of any obligation and such kind of breach causes damage of other party, In this case injured party can file the case against the state for compensation against the breach of obligation.

f) State responsibility against the contract with foreigners

- State is not responsible for the breach of any contract with foreigners because such breach does not give rise to any right of foreigners internationally accepted. But foreigners can file the case against the state for compensation against the breach of obligation as their local right.

g) State responsibility against expropriation of foreign property

- State is responsible for the expropriation of foreign property. Foreigners are looking for compensation against expropriation of their property by the states where they are living. Foreigners can file the case against the state for compensation against the expropriation of their property

6) Essentials of state responsibility

Following are the most important essential elements of state responsibility.

a) Obligation

- To hold a state responsible, there should be an obligation between the two states where both of the states are under an obligation to do something or not to do something.

b) Breach of obligation

- To hold a state responsible, the obligation must be breached by doing something or by not doing something where parties were not entitled to do or not to do.

c) Damage

- To hold a state responsible, there should be the damage in result of violation of the obligation

7) Exceptions to state responsibility

Following are the exceptions to the state and state is not responsible if the injuries have been suffered by the aliens:

1. By their own consent
2. By their own mistake
3. When they are themselves wrongdoer
4. By the inevitable accident
5. By the act of God
6. By the necessary acts of state
7. By the act of retaliation
8. During the civil war

8) Conclusion

- To conclude i can say that a state is responsible under the International law, being a member of international community a lot of obligations have been imposed on state under the International rules of law and state is under an obligation to follow these rules. When state gets failed to comply with these rules at that time it become responsible for breach of obligation and become liable to pay compensation to the injured party.

Q 6: What are elements of statehood? Also define the different kinds of states.

1) Introduction

- The subject matter of the International law is only on state. State is body of human beings who are living in the society in order to promote their safety and advantages by making their joint efforts in this regard. But international law provides some rules and regulations to regulate the states and imposes some obligations on the states as well as provides some rights to the same states so that good concerns of all the states to be achieved.

2) Definition of state

- State is an association of human beings who are living in a boundary by following the rules and regulations set by the state, it provides protection to their citizen and creates relations with other states.

3) Essentials of statehood

Following are the essential elements of statehood.

i. Population

- Population is an essential element of state. Population is an evidence of a state. Existence of state without population is not possible. But state is not subject to the size of population whether small or large.

ii. Territory

- Territory is also an essential element of state because people cannot make a state until they have a piece of land where they reside and get title of membership of a state.

iii. Government

- Government is essential element of a state by which a state performs his actions in order to protect the people (population) and territory from the other states.

iv. Sovereignty

- Fourth essential of state is sovereignty, sovereignty is a supreme authority of the state, it governs all the matters of the state and supersedes upon the government, peoples of the state and no one can compete this authority

4) Kinds of states

Following are the different kinds of states. Details are as under:

i. Democratic state

- Democratic state is such state which is formed by the peoples of the state who elects a member to run the business of the government by way of vote casting.

ii. Monarchial state

- Monarchial state is such state which formed by the head of the state who nominates the new head of the state after him, is called monarchial state.

iii. Dependent state

- Dependent state is such state which dependent on the interference of other states in their internal and external affairs is called independent state.

iv. Independent state

- Independent state is such state which is completely free from any interference of other states in their internal and external affairs is called independent state.

v. Vassal state

- Vassal state is such state which is governed under the control of another state but it has some powers regarding administration of their domestic affairs as well as foreign affairs.

vi. Federal state

- Federal state is such state which is union of multiple sub states, and it has complete control over sub states as well also upon the citizens of sub states.

vii. Protectorate state

- Protectorate state is such state which seeks protection of other powerful states by making an agreement between them, in order to administer some international affairs of the state.

viii. Sovereign state

- Sovereign state is such state is totally independent and free from the interference of any other state. It has complete control over its international and internal affairs.

ix. Unitary state

- Unitary state is such state which is governed by one state only, there are no sub states of it, it solely governs the whole state without interruption of any other state

x. Con-dominium state

- Con-dominion state is such state which is governed by the two or more external powers, and dominates over the individuals of such state.

xi. Neutral state

- Neutral state is such state which does not support any other state during the times of war, title of neutral state is terminated when such state participates in the war

xii. Neutralized state

- Neutralized state is such state whose freeness is accepted by the other states through an agreement between them that this state would not enter into military services in future at any cost.

xiii. Micro state

- Micro state is such state which is very small in area, in population as well as in economic resources and has been internationally recognized independent and sovereign

xiv. Trust state

- Trust state is such state which is governed under the funding of United Nation; it is dependent and sovereign state in nature.

xv. Common wealth state

- Common wealth state is only an official designation of a few states such as, Kentucky, Massachusetts, Pennsylvania, and Virginia these are the states of United Kingdom and are called common wealth states and has equal rights under the law

5) Conclusion

- To conclude i can say that a state is such entity which may be dependent ,independent , democratic or monarchial form of government, which is governed by the sovereign authority of the state and deals with domestic matters of the state as well as international and official affairs of the state under the rules set by international rules law.

Q # 07: Define Nationality? How it is acquired and lost?

1) Introduction

- In law, nationality is a membership of the peoples in the sovereign state which defines the relationship of a man with the political state. Nationality may be acquired either by birth or naturalization. Question of nationality is a question of municipal law. A person's nationality of a state relates to a person where they were born. Such as if people born in Pakistan, have Pakistani nationality, and people from Australia have Australian nationality.

2) Meaning of Nationality

- The word nationality has been derived from the word “national” which denotes to particular state.

3) Definition of Nationality

- Nationality refers to the legal relationship between a person and a state. Such membership gives rise to his rights and duties as a part of his state.

4) Origin of concept of Nationality

- In 1930 under the Hague convention which was based on conflicts of Nationality law, it was declared that every state must determine under their municipal law that who are their nationals.
- After above convention, it was declared under the Article 15 (i) of the “Universal Declaration of Human Rights 1948” that every member of a state has a right of nationality of state where he born.

5) Modes of acquisition of Nationality

Following are the modes of acquisition of Nationality.

i.By Birth

- By birth, it is the primary mode of acquisition of nationality of a person. Nationality is given to the peoples by states on the following two bases.

1. Acquisition of nationality on the bases of place of birth
2. Acquisition of nationality on the bases of the parent’s nationality

ii. By Naturalization

- By naturalization, it is the secondary mode of acquisition of nationality of a person where a citizen of one country becomes the citizen of other country after approval of superior authority of that state. Such process of acquisition of nationality is called naturalization. Following are the different ways of acquisition.

1. Through marriage
2. Through legitimation,
3. Through Option,
4. By acquisition of domicile,
5. Appointment as Government official
6. By acquisition of application of the state.

iii. By Resumption (Renew)

- By resumption, it is the third mode of acquisition of nationality of a person where he may lose his nationality due to some reasons. Subsequently, but he may resume his nationality later on after fulfilling certain conditions of the state. Such kind of acquisition of resumption

iv. By Subjugation (Conquer)

- By subjugation, it is the fourth mode of acquisition of nationality of a person where a state which is conquered by other state after war, in this case the people of conquered state seeks the nationality from the governing state. It is called subjugation acquisition of nationality.

v. By Cession (Sapurdagi)

- By cession, it is the fifth mode of acquisition of nationality of a person where a state is given under the control of other state, in this case all nationals of former state, acquires the nationality from the new state. It is called cession acquisition.

vi. By Option

- By option, it is the sixth mode of acquisition of nationality of a person where a state is divided into two or more states; in this case the nationals of the former state have an option to become the nationals of any State. It is called option acquisition.

6) Modes of losing Nationality

Following are the modes of losing Nationality.

I. By Release

- By release, it is primary mode of losing nationality of a person where a person submits an application to release his nationality, in this case if the application is accepted; the person's nationality will be released. It is called release nationality

II. By Deprivation

- By deprivation, it is second mode of losing nationality of a person where a person's nationality is deprived from his own state if he gets the nationality of another state without permission of his state. It is called deprived nationality.

III. By Expiration

- By expiration, it is third mode of losing nationality of a person where person's nationality is expired if he is living in a foreign country for a long period of time. It is called expiration of nationality.

IV. By Renunciation (voluntary)

- By renunciation, it is fourth mode of losing of nationality of a person where a person acquires the nationality of two states at a same time; in this case he will have to choose the nationality of only one state because in some states it is not allowed to have the nationality of two states at same time.

V. By Substitution (Exchange)

- By substitution, it is fifth mode of losing of nationality of a person where some States provide the option to their nationals for the change of nationality from one state to another state. According to this principle, a person may get nationality of a state in place of the nationality of another State. This is called losing of nationality by substitution

7) Difference between Nationality and Citizenship

Following are the differences between nationality and citizenship.

i. As to Connection

- Nationality is connected with International and municipal law
- Citizenship is only connected with municipal law

ii. As to relation

- Nationality defines the relation of a national and individual
- Citizenship defines the relation of a person with state

iii. As to scope

- Nationality has wider scope
- Citizenship has less scope

8) Conclusion

- To conclude i can say that nationality is a concept which is recognized by all the states of the word, according to this concept every state grants some rights and imposes some duties on his nationals. There are a lot of modes of acquisition and losing of such kind of nationality under the International law.

Q # 08: Define different modes of acquisition and loss of territory?

1) Introduction

- Territory is one of the important elements of a State; a state without territory is not possible. State occupies a definite portion of the earth where sovereignty exercises his authority to the exclusion of other States on the basis of International Law. Territory covers the rivers, canals, lakes or other natural things existed in it and state exercises it jurisdiction on the persons and property within the territory.

2) Definition of territory

- Territory is piece of land which is governed by a particular governmental authority of the state, where nationals of the state are vested with some rights and obligations.

3) Modes of acquisition of territory

Following are the modes of acquistion of territory.

i. Acquisition by Occupation

- When a particular territory which was not under the control of any state, any of the state can occupy it in order to maintain its sovereignty on it. Following are the essentials of occupation

3. Occupation should be peaceful,
4. Occupation should be without violence
5. Occupation should be continued
6. Territory should be free from occupation of any other state

ii. Acquisition by Prescription

- Continued occupation over a long period of time on particular territory which belongs to another state is called prescriptive occupation. Following are the essentials of prescriptive occupation.

1) The possession must be peaceful
2) The possession must be public
3) The possession must be for a long period of time.

iii. Acquisition by Annexation

- Annexation is a mode of acquisition of territory, when a particular territory which is acquired after defeating the enemy in the war and occupying all or any part of its territory. It is only on a military occupation of conquered territory which is merged into its state.

iv. Acquisition by Cession (Sapurdagi)

- Cession is also a mode of acquisition of territory, when a state gives its territory under the control of other state, such cession can be voluntary or due to compulsion during the times of war

v. Acquisition by Adjudication

- Adjudication is an important mode of acquisition of territory, At the end of war when super powers decide in a meeting that a particular state would be merged into a particular state, such kind of acquisition is called acquisition by Adjudication

vi. Acquisition by Lease

- A territory can be acquired by a state on account of lease, when one state gives his territory to another state on lease for specified period of time; such acquisition is called acquisition by lease. Such acquisition is temporary acquisition.

vii. Acquisition by Pledge

- A territory can be acquired by a state on account of pledge, when one state is under an obligation to pay a certain amount of money, in this case debtor state will have to pledge his state until amount is paid. Such acquisition is called acquisition by pledge.

4) Modes of losing of territory

Following are the modes of acquisition of territory.

i. Lose by cession

- A territory can be lost by cession, when any state loses all or any part of its territory by rebellion or peacefully, and it becomes part of other state, such losing is called lose by cession.

ii. Lose by prescription

- A territory can be lost by prescription; when any state which remain untouched with its territory for a long period of time and any of other state occupies it and obtain the title of ownership of such state, this kind of lose is called prescriptive loss of territory.

iii. Lose by Subjugation (Defeat)

- A territory can be lost by defeat, when any state which is defeated by the other state in the times of war and occupied the territory of defeated state, such kind of lose of territory is called lose by defeat

iv. Lose by Occupation

- A territory can be lost by occupation, when any state which is occupied by other state with intention to holding it or ruling it, such kind of lost is called lose by occupation

v. Lose by act of God

- A territory can be lost by act of God, when any territory, island, or beach, get disappeared by earthquake, such kind of lost is called lose by act of God.

vi. Lose by lease

- A territory can be lost by a state on account of lease, when one state gives his territory to another state on lease for specified period of time; such lost is called lost by lease. But it is temporary lease which can be re-acquired after completion of specified time.

vii. Lose by pledge

- A territory can be lost way of pledge. When a territory is lost by a state on account of pledge, when one state is under an obligation to pay a certain amount of money, in this case debtor state will have to pledge his state until amount is paid. Such kind of lost is called lost by pledge.

5) Conclusion

- To conclude I can say that territory is an important part of a state, without existence of territory the concept of state is not possible where sovereign authority of the state applies the rules and regulations of the state upon people and property of the territory. Territory includes all the things in it such as rivers, lakes, sea , wild animals etc.

Q # 09: What are different modes of settlement of international disputes?

1) Introduction

- A dispute arises when a country believes that another country is violating the rules of WTO and such dispute requires peaceful settlement. The Charter of the United Nations requires that all members of international community must settle their international disputes through international court of law so that international peace and security may not be disturbed. The WTO is an international dispute settler since 1995.

2) Definition of International dispute

- An international dispute is a disagreement between the two or more states on the question of law or question of fact is called international dispute.

3) Definition of settlement of dispute

- Resolution of an international dispute between the two or more states on the question of law or question of fact is called settlement of dispute.

4) Peaceful means of settlement of disputes

Following are the peaceful means of settlement.

i.Negotiation

- Negotiation is a most common and peaceful method of settling international disputes. Where some representatives of a states, start discussion to resolve the disputes of the states between them

ii. Mediation

- Mediation is also a common and peaceful method of settling international disputes. Where two or more states involve third party in order to resolve the disputes between them is called mediation.

iii. Conciliation

- Conciliation is a peaceful method of settling the international disputes. Where a commission finds outs the reasons of dispute among the states and then tries to resolve the dispute on the basis of their findings. It is called conciliation

iv. Arbitration

- Arbitration is a method of settling the international disputes. Where both of the states choose a person by their mutual consent as arbitrator (Judge) in order to resolve the dispute between them. Later on agrees on the decision of arbitrator.

v. United Nation

- United Nations plays pivotal role for settling the international disputes between the states. United Nations known as Security Council. The Security Council is consisted of fifteen members who have vested wide powers for the settlement of the disputes,

vi. Judicial Settlement

- Judicial settlement is also a peaceful method of settling the international dispute. In this case, the International court of justice provides the solution to resolve the disputes, and all the state are bound to accept that decision. It is called judicial settlement.

vii. Inquiry

- Inquiry is also one the common methods of settling the international disputes among the states. Where commission finds out the questions of law and questions of fact and mixed question of law and fact involved in a dispute and tries to resolve the disputes on the basis of their findings.

5) Compulsive means of settlement of disputes

Following are the compulsive means of settlement of disputes.

I. Intervention

- Intervention is a forceful method of settling the international dispute. It is a dictatorial interference in the dispute of the two parties. When a third state threats to the disputed parties is called intervention. Following are the kinds of interventions.

1. Internal intervention
2. External intervention
3. Punitive intervention

II. Retorsion

- Retorsion is also a forceful method of settling the international dispute and it is based on retaliation. But the affected State can take only those actions as retorsion which is not illegal actions under International Law.

➢ **Example**,

Diplomatic relations can be ended. Privileges of diplomats can be ended and other facilities can be stopped.

III. Embargo

- Embargo is a forceful method of settling the international disputes. When affected state gives orders for detention of the ships, cargo of the other

state on their own port. It is a very effective method to resolve the dispute specially for landlocked countries.

IV. Reprisal

- Reprisal is a forceful method of settling the international disputes. It is similar to retaliation and is forcible seizure of foreign subjects but it has not been permitted under the international law for settlement of disputes.

V. Blockade

- Blockade is more severe method of settling the international disputes then embargo. If a state gets failed to negotiate the dispute after embargo, in this case the method of blockade is applied, where effected state suspends the trading relations with the offending state as well as closes the coasts for that state is called blockade.

VI. War

- War is most aggressive and ultimate forceful method of settling the international disputes. When all other measures fail, effective state attacks on the offending state in order to settle the disputes by using their military powers is called war. But now a days waging a war is strictly restricted.

6) Causes of International disputes

Following are the important causes of international disputes.

1. Global conflict
2. Religious based conflict
3. Misbalance of powers,
4. National integrity
5. Ideological differences
6. Intention to wage war

7) Conclusion

- To conclude i can say that there are a lot of reasons of international disputes between the two or more states and there are a lot of peaceful and forceful modes of settling the international disputes. United Nations wants to resolve these disputes peacefully in order to maintain the international security and peace.

Q 10: Define extradition? What are the common rules of international law which governs extradition in the absence of an extradition treaty?

1) Introduction

- Under the light of International law, extradition is the process by which one state hands over the criminals to another state on the request of that state where criminal has committed the crime. Under the International law requested country is under an obligation to hand over the criminal to the country requesting if the crime committed is not related with religion, not related with political issues.

2) Meaning of Extradition

- The word extradition has been derived from a Latin word which means **" Handing over of criminals"**

3) Definition of Extradition

- On the provision of treaty, extradition means sending someone back to that state where he has committed the crime for trial on the request of that state.

4) Essential of Extradition

Following are the essential elements of extradition.

i. Extraditable crime

- In order to proceed the extradition, the crime is most essential element of it, the commission of extraditable crime is necessary in this regard.

ii. Status of crime

- In order to proceed the extradition, the status of crime is most essential element of it, the crime must have same status between the two states.

iii. Evidence of crime

- In order to proceed the extradition, the evidence of a crime is most essential element of it, provision of evidence of extraditable crime is necessary in this regard.

iv. Treaty of Extradition

- In order to proceed the extradition, the treaty of extradition is most essential element of it, there should be treaty of extradition between the two state in order to execute extradition

5) Extraditable crimes

Following are the crimes which come under the category of extraditable crimes.

I. Rape

- Rape unlawful sexual intercourse with or without the consent of victim, is an extraditable crime

II. **Bribery,**

- Bribery is an act of receive money from others in order to do something for them, is an extraditable crime

III. **Forgery,**

- Forgery is creating a document against someone with false statements, is an extraditable crime

IV. **Money laundering**

- Illegally taking away the money from one country to another country, is an extraditable crime

V. **Dealing in Narcotics**

- Dealing in any kind of illegal drugs which are used for sleeping, is an extraditable crime

VI. **Dealing in Slaves**

- Dealing in the sales and purchase of the slaves, is an extraditable crime

VII. **Human trafficking**

- Human trafficking is the busy of human for the purpose of force labor or sexual slavery, is an extraditable crime

VIII. **Massacre**

- killing a large number of innocent human beings, is an extraditable crime

IX. **Perjury**

- Perjury is a crime where a person knowingly makes a false statement against someone, is an extraditable crime

X. **Smuggling**

- Without payment of legal duty, take away anything from one place of another place, is an extraditable crime

XI. **Terrorism,**

- Terrorism is the use of force for violence which is not legally authorized**,** is an extraditable crime

XII. **Hijacking of ship or Aircraft**

- Hijacking is to seize the possession of something from someone by use of force, is an extraditable crime

XIII. Cybercrime

- Cybercrime is such crime which involves the internet, computer system or computer technology**,** is an extraditable crime

6) Limitations of extraditable

Following are the limitations of the extraditable crimes.

a) Political crimes

- Political crimes are such crimes which cannot come under the category of extraditable crimes, and no state can request for provision of any criminal on the basis of political crimes

b) Religious crimes

- Religious crimes are such crimes which cannot come under the category of extraditable crimes, and no state can request for provision of any criminal on the basis of religious crimes

c) Civil crimes

- Civil crimes are such crimes which cannot come under the category of extraditable crimes, and no state can request for provision of any criminal on the basis of civil crimes

7) Position in Pakistan

- Under the extradition act of 1903, in Pakistan extradition is proceded on the request of any state for the provision of any criminal

8) Conclusion

- To conclude i can say that no state is under an obligation to hand over a person to another state for trail of crime, until and unless any treaty is signed between them. Under this rule, person is handed over another state on the request of other state where the crime has been committed by the criminal, such handing over is known as extradition which is a Latin word.

Q 11: Discuss the privileges and immunities enjoyed by the diplomatic envoys and their duties?

1) Introduction

- Diplomatic agents, this name has been given to those public officers who have been appointed to manage the affairs of the government by which they have been employed in other foreign country according to the International rules of law. They are responsible to carry the diplomatic relations of the two States. Law related to diplomats has been codified in Vienna Convention on Diplomatic Relation in order to promote friendly relations between both states.

2) Definition of Diplomatic Agent

- A diplomatic agent is an official who represents his state on behalf of his state by living in another state for the purpose to promote friendly relations and manage the official affairs of the both states.

3) Definition of Immunity

- Legal immunity from prosecution is a legal status where a diplomatic agent cannot be held responsible for the violations of the law, but generally others citizens are liable for same violations, it is called immunity

4) Immunities and privileges of Diplomatic Agents

Following are the immunities and privileges of Diplomatic Agents.

i. Immunity from prosecution

- Diplomatic agent enjoys the immunity from the prosecution. They will not be prosecuted by any court of the receiving state under International Law.

ii. Immunity from Arrest

- Diplomatic agent enjoys immunity from arrest. They will not be arrested by enforcement forces of the receiving state even after commission of unlawful act under international law

iii. Immunity from detention

- Diplomatic agent enjoys immunity from detention. They will not be detained by enforcement forces of the receiving state even after commission of unlawful act under international law

iv. Immunity from search of residence

- Diplomatic agent enjoys immunity from search of his residence. Their residence will not be searched by enforcement forces of the receiving state and forces cannot enter into their residence for this purpose.

v. **Immunity from search of personal luggage**

- Diplomatic agent enjoys immunity from search of his luggage. Their luggage will not be searched by enforcement forces of the receiving state under International law.

vi. **Immunity from appearing as witness**

- Diplomatic agent enjoys immunity from appearing as witness before the court and they cannot be compelled to give testimony in the court under International law.

vii. **Immunity from state rules**

- Diplomatic agent enjoys immunity from state rules; they are not bound to follow the rules and regulations of the receiving state under the International law.

viii. **Immunity from social security**

- Diplomatic agent enjoys immunity from social security; they are not bound to provide the social security under the International law.

ix. **Immunity from taxes**

- Diplomatic agent enjoys immunity from all kinds of taxes of the state. They will not pay any kind of taxes to the receiving state under the International law.

x. **Immunity from Custom duty**

- Diplomatic agent enjoys immunity from all kinds of custom duties of the state. They will not pay any kind of custom duties to the receiving state under the International law.

xi. **Freedom of movement**

- Diplomatic agents have freedom of movement in order to perform their duties within the receiving states. No restriction can be imposed upon them regarding their movements under international law.

xii. **Freedom of right of travel**

- Diplomatic agents have freedom of travel in order to perform their duties within the receiving states. No restriction can be imposed upon them regarding their travel from one place to another place under international law.

xiii. **Freedom of communication**

- Diplomatic agents have freedom of communication in order to perform their duties within the receiving states. No restriction can be imposed upon them regarding their communication specially communication with their family under international law.

xiv. Freedom of right of worship

- Diplomatic agents have freedom of worship and they cannot be forced to follow any religion in the receiving state under the International law.

5) Exception to the Immunity

- Diplomatic immunity does not mean that diplomatic agents can do whatever they want and no penalty will be imposed on them. All the police officers of the receiving state are capable to arrest the diplomatic agent whenever he intentionally wants to commit the grave crime.

  - **Example**, in cases of traffic violation, the vehicle of diplomatic agent will not be locked up, but police officers are still allowed to issue challan form, or can cancel driving privileges

6) When state can refuse to receive a diplomat

Following are the two reasons of refusal of acceptance of the diplomatic agent by the receiving state.

1. When there is no specific mission
2. When the term "Persona-Non-Grata "is applied

7) Persona-non-Grata

- Persona-non-Grata is a Latin term which is used for those diplomatic agents whose entry in a particular state is prohibited by the government.

1. Which state is entitled to declare Persona Non Grata

- Every receiving state is entitled to declare any diplomatic agent as Persona non Grate, and can refuse to accept such person within the state

2. When state can declare Persona Non Grata

State can declare Persona Non Grata

1) Before arrival of the diplomatic agent
2) After arrival of the diplomatic agent

3. Reasons for declaration persona Non Grata

Following are the reasons when a state declares an agent as Persona Non Grata

1. If he has guilty of crimes and have a bad character person
2. If the peoples of the receiving state are against his deployment as diplomatic agent
3. If he is against the benefits of the receiving state.

8) Conclusion

- To conclude i can say that diplomatic agent is a person who represents his state before the others state in order to create a friendly relations between the both states. International law provides a lot of immunities to the diplomatic agent as well as such exceptions to these privileges are also exist.

Q # 12: Pirates are enemy of mankind. Discuss law for pirates in detail.

1) **Introduction**
   - The term piracy is used for robber in the sea. Piracy is an act of robbery which is committed in the seas or in the air outside the normal jurisdiction of any state. Because the act of piracy has been considered as an offense against all the nations. It is general rule of international law that all the private vessels (containters) of any state have been permitted to be seized to bring it into port.

2) **Definition of Piracy**
   - Piracy is an act of robbery which is committed in the seas or in the air outside the normal jurisdiction of any state by the private individuals.
     - **Article 15 of the Geneva Convention**

       Under the article 15 of the Geneva Convention, the word piracy is defined as:

       - Piracy is unlawful act of deprivation of passengers from their properties
       - Piracy is an act which is committed in the seas
       - Piracy is an act, not for killing the persons of ships

3) **Origin of an act Piracy**
   - Study of history tells us about the origin of an act of piracy. It was started in the 14th century before Christ. These were the crimes committed on seas against the people of coast of Eastern Mediterranean. Merchants of ancient Greek city-states were looted on the Seas. Pirates of that time were claiming that they have supremacy over the seas.

4) **Modes of commission of piracy**

   Following are the two modes of commission of piracy.

   i.First mode
   - According to first mode of commission of piracy, pirates do attack on ship, loo the crew and left him.

   ii. Second mode
   - According to second mode of commission of piracy, pirates do attach ship, and deprive the all the passenger and crew from their properties, and take the whole cargo with them.

5) **Essentials of Piracy**

   Following are the essential elements of piracy. Details are as under:

i. **In the seas**
   - Sea is an essential element of piracy, piracy must be committed in the seas and such robbery is called piracy which is committed in the seas

ii. **Private vessel**
   - Private vessel is another essential element of piracy, the commission of an act of piracy must be committed by the private person of no state.

iii. **Seizure of the ship**
   - Seizure of the ships is also an important element of piracy, where pirates snatches the ships from crews and passengers and leave them in the seas.

6) Who is Pirate

- According to the United Nations Convention on the Law of the Sea (UNCLOS) under article 101/A a private group of persons who commit an act of piracy against the passengers of the other ships are called the pirates. It is clear that if the crew of the ship or the passenger of the ship takes some kind of action against their own ship then they would not be called as pirates. Similarly if a person is already on board and tries to take away the ship in this case this act of that person will not be called the piracy but it would be an act of "Hijacking"

7) Universal Jurisdiction.

- UNCLIS (United Nations Convention on the Law of the Sea) provides the universal jurisdiction against the pirates. According to this jurisdiction all the states can take legal action against the pirates everywhere in the high seas. It does not matter whether the pirates take any action against the ships of that state or not. A state can also make a trial against those arrested pirates under its local laws and to punish them.

8) Legal Actions against Pirates

- After reading UNCLOS 1982 and its provisions about the piracy, only one question comes in our minds that which kind of legal action can be taken against the pirates? It's true that all the states of the world dislike this crime and want to punish piracy. But imposition of penalty for pirates is left upon the discretion of effected states. We can see that there is not specific department in the world on international level to punish the pirates. The main reason is that the UNCLOS 1982 does not create any kind of international tribunal to hear the case of piracy

9) Difference between piracy and hijacking

Following are the differences between piracy and hijacking.

i.As to object

- In piracy, the object is earn money
- In hijacking, the object is to attain the attention of the state

ii.As to ransom

- In piracy, ransom is demanded from the crew and passengers
- In hijacking, ransom is demanded from the state

iii.As to place

- Piracy takes place in the seas only
- Hijacking takes place anywhere

iv.As to network

- Piracy is based on local area network
- Hijacking is not based on local area network, it can be committed any where

v.As to planning

- In piracy, planning is done before the attack by the pirates
- In hijacking, planning is done before the attack by the hijackers

vi.As to background

- Sea pirates are only males, less educated, poor and good navigators
- Hijackers can be males and females, well educated, intelligent etc

vii.As to history

- Act of piracy has its own history
- Act of hijacking has no its own history

viii.As to demand

- In piracy, ship owners complete the demand of pirates
- In hijacking, state complete the demand of hijacker

10) Conclusion

- To conclude I can say that the laws about the sea piracy are not satisfactory at any cost. All the present laws are just to fill up the gap of law of piracy but is not able to defeat piracy at all. According to the UNCLOS 1982 which is applicable at the moment, there are no more differences in the provisions regarding piracy as a compare with the high Seas convention 1958. In my opinion this law is not sufficient to defeat the problem of piracy today.

Q 13: Discuss in detail the role of international court of justice in judicial settlement of international disputes.

1) Introduction

- The International Court of Justice is the highest judicial body of the United Nations. It was established in June 1945 by the Charter of the United Nations and started work in April 1946.
  The Court's duty is to settle all the legal disputes submitted by the states under the rules of international law and to provide resolutions to the legal questions of the states by authorized United Nations organs and special agencies.

2) Composition of International court of Justice

Following are the compositions of the international court of Justice.

i. Number of judges

- The International court of justice is consisted on 15 judges.

ii. Method of appointment of judges

- General Assembly and Security Council shall appoint the judges for the court by way of election

iii. Period of appointment of judges

- Judges of the court shall be appointed for the period of 9 years. But five of them shall be retired after each three years.

iv. Quorum of the court

- Quorum of the International Court of Justice is fixed which is of 9 judges.

v. President of the court

- After every three years the Court shall elect its president. The president shall preside the cases of the Court.

vi. Vice president of the court

- After every three year along with the election of the president, the shall also elect its vice-president. Voice president shall act as president in the absence of president.

3) Functions or Jurisdiction of International court of justice

Following are the functions or jurisdiction of International Court of Justice.

i. Contentious Jurisdiction

- Contentious jurisdiction is such jurisdiction when international court of justice decides any case with the consent of the parties to a case is called contentious jurisdiction. There is a general rule of law of internal court of justice that court cannot decide any case without the consent of the parties to a case until any party files the case before the ICJ because court is not entitled to initiate any proceeding on his own discretion

ii. Compulsory Jurisdiction

- Compulsory jurisdiction is such jurisdiction of the court when court decides any case without the consent of the parties to a case is called compulsory jurisdiction. But In classic international law there is no concept of the Compulsory Jurisdiction of the Court, but recently it has been accepted due to dire need of time that the Court will perform with the right of compulsory jurisdiction after the approval of United Nations.

iii. Voluntary Jurisdiction

- When any contract is breached by the parties and dispute aroused related to that contract breached, in this case the dispute will be referred to the court for settlement, this type of jurisdiction of the court is called voluntary jurisdiction because in this situation all the parties give their assent to resolve the matter to the court

iv. Advisory Jurisdiction

- Advisory Jurisdiction is such jurisdiction of international court of justice when court only gives an advisory opinion to the states on a question of law. In this case, consent of the parties is not needed at any cost and court gives his opinion at that time when it is asked by the General Assembly or Security Council While such opinion cannot be enforced by law on the parties.

v. Ad hoc Jurisdiction

- Ad hoc jurisdiction is such jurisdiction when international court of justice makes a committee to settle one particular dispute of the states is called Ad hoc Jurisdiction. After settlement of such dispute the committee comes to an end.

4) Objects of International court of justice

Following are the objects of the International court of justice. Details are as under:

i. Settlement of disputes

- The main object of the international Court of justice is to settle the disputes of the states by making decisions on the disputes.

ii. Provision of justice

- Second object of International court of Justice is to provision of justice to the injured state by fair trial of the case

iii. Maintenance of peace

- Third object of International court of Justice is maintenance of the peace for better development of the states

iv. Prohibition of waging war

Forth object of International court of Justice is to prohibit the states from waging war. Because war causes a lot of losses and is a dangerous act for International community

5) Eligibility to submit a case in the Court?

a) Member states

- At present, Only 192 member states of the United Nations can file the case in the International Court of Justice and are eligible to appear before the Court. But, a State can file a case of its nationals on its own, and can launch an appeal against another State for the wrongs committed by the other state, in this case the ICJ will facilitate the state

b) Non-Governmental Organizations

- In case of any individual or non-governmental organizations, corporations or individuals are not entitled to file the case in the International court of Justice. This court will not facilitate such petitioners because they are out of jurisdiction of International court of justice.

6) Nature of the decisions of court

- Nature of the decisions of the courts to settle the disputes of the states are binding upon the parties to the case. Article 94 of the United Nations Charter lays down that "each Member of the United Nations under an obligation to obey the decision of the Court for any case. Decisions are final and without appeal but either party can apply for revision of the decision.

7) Conclusion

- To conclude i can say that international court of justice has resolved important international disputes and played a pivotal role to establishing international peace and security. However, some strong tribunal needs to be formed and vested the powers to stop the terrorist's activities in order to avoid terrorist's activities accruing in the world to save the human beings.

Q # 14: Write a detailed note on the right of self-determination.

1) Introduction

- All peoples are independent to choose their political, economic and social status for their better development without any pressure that's why the right of self-determination of peoples is regarded as one of the most important purposes of the United Nations under the principles of International law. All states are under an obligation to ensure the provision of right of self-determination because. The violation of this principle by the use of force is a very serious violation of international law

2) Meaning of self-determination

- Self-determination is meant free choice of one's own acts or states without external compulsion

3) Definition of self-determination

- Self-determination refers to the legal rights of peoples to independently choose their social, political, economic status for their better development in the international law and it also has been recognized as a general principle of law.

4) Kinds of Self-determination

Following are the kinds of self-determination. Details are as under:

i. Individual self-determination

- At present, individual self-determination means personal self-determination. According to this idea all the persons individually are independent to choose their own political, social or economic status for their better development, is called self-determination.

ii. Collective self-determination

- At present, collective self-determination means national self-determination. According to this idea all the nations are independent to run their government by its own

  - **Example**

    Nationals of Palestinians and Kashmir see themselves as nations, and want to run their governments by their own states instead of under the supervision of Israel and India

5) Characteristics of Self-Determination

Following are the characteristics of self-determination.

- ✓ Self-determination has been acknowledged by United Nations
- ✓ Self-determination is a fundamental principle of International law
- ✓ Self-determination introduces your personal strengths and weaknesses
- ✓ Self-determination helps you to knowing your legal rights
- ✓ Self-determination empowers you to make decisions
- ✓ Self-determination empowers you to control over own properties
- ✓ Self-determination empowers you to fight over violation of your rights
- ✓ Self-determination improves your confidence to participate and contribute with communities
- ✓ Self-determination improves your leadership skills
- ✓ Self-determination empowers you to gain your right of freedom
- ✓ Self-determination empowers you to gain your right of liberty
- ✓ Self-determination empowers you to gain your right of independence
- ✓ Self-determination helps to create unity among you

6) Self Determination Skills

Following are the skills which need to be exist in any person in order to raise his voice for self-determination.

- ✓ Choice-making
- ✓ Decision-making
- ✓ Problem-solving
- ✓ Self-advocacy
- ✓ Self-awareness
- ✓ Self confidence
- ✓ Self-regulation
- ✓ Self-efficacy (taseer)
- ✓ Goal setting and attainment

7) Self-determination in United Nation's charter

Article 1 of the United Nation's charter defines the concept of self-determination.

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of all people "

8) Endorsement of concept of Self-determination by GA

- The concept of self-determination was endorsed by the General Assembly of the United Nations in 1961. It was endorsed that the principle of self-determination will be helping to create friendly relations among the international community under the light of International law.

9) Role of International court of Justice

- The international court of Justice has recognized the concept of self-determinations as general principal of law and promoted this concept among the international community by giving high importance to this concept in their judicial proceedings as well as in conventions.

10) Binding nature of self-determination

- The concept of self-determination is binding in nature. It binds the individuals as well as states to respect the rights of others and stops the powerful individuals as well as countries to violate the rights of those people who have no power to fight on the violation of their rights. United Nations is responsible for the application of this rule into the international community

11) Outcome of principal of self-determination

- The United Nations documents declare that the principle of self-determination does not support theory of dictatorship beyond this principal. The exercise of the right to self-determination could lead to independence, protection and autonomy of the individuals as well as nations of the international community.

12) Application of rules of self-determination

- The international recognized rule of self-determination is applied upon all the nations. According to this rule all the individual, national or countries of the world are independent to choose their destination without compulsion.

13) Conclusion

- To conclude i can say that self-determination is basic fundamental right of the peoples under International law where people independently decided their political, economic and social status without any compulsion. Self-determination has been categorized into two such as collective and individual self-determination.

Q 15: Discuss the development of the law of Human Rights after the formation of United Nations.

1) Introduction

- Human rights are the basic rights and freedoms of the peoples of civilized society that belong to every person in the world, from birth to death. Human rights are provided irrespective of religion, race, locality or cast etc. These are such rights which cannot be taken away and are based on moral values like self-respect, justice, equality and independence Since 1945 the international community has developed and defined international human rights law

2) Meaning of Human Rights

- Such basic rights which all people should have e.g. justice , fairness and freedom of speech etc.

3) Definition of Human Rights

- Human rights are basically provision of justice, self-respect, equality and independence to its nationals by the state, irrespective of religion, race, locality or cast is called human right

4) After formation of United Nations Universal declaration of Human Rights

Following are the Human Rights which have been declared after formation of United Nations by United Nations.

i. Right of Life

- United Nations has declared that all the persons of the world are entitled with right of life irrespective of race, religion and locality.

ii. Right of liberty

- United Nations has declared that all the persons of the world are entitled to enjoy the right of liberty, freedom of travelling and not to be kept in slavery at any cost.

iii. Right of property

- United Nations has declared that all the persons of the world are entitled to have their own property alone or with the association of others. No one shall be unlawfully deprived from his property

iv. Right of residence

- United Nations has declared that all the persons of the world are entitled with the right of residence; they can live within the boarder of the country wherever they want.

v. **Right of reputation**

- United Nations has declared that all the persons of the world are entitled with the right of reputation, not to be insulted without any reason as well as protects the reputation of the family of a person.

vi. **Right of marriage**

- United Nations has declared that all the men and women of the world are entitled with the right of marriage, no one can stop them to enter into marital life but marriage should be based on willful consent by the intending spouses.

vii. **Right of Education**

- United Nations has declared that all the persons of the world are entitled with the right of education to get free choice of education, which shall be free at least on primary basis.

viii. **Right of employment and salary**

- United Nations has declared that all the men and women of the world are entitled to get free choice of employment as well as to get the equal salary for the same work.

ix. **Right of rest and leisure**

- United Nations has declared that all employees of any organization are entitled with the right of rest and leisure after the specified working hours including holidays.

x. **Right of equality**

- United Nations has declared that all the persons of the world are entitled to be treated equally before the law and has a right of protection against any discrimination

xi. **Right of remedy**

- United Nations has declared that all the persons of the world are entitled with the right of remedy against the violation of their fundamental rights

xii. **Right of recognition**

- United Nations has declared that all the persons of the world are entitled with the right of recognition by the state before the law

xiii. **Right of nationality**

- United Nations has declared that all the persons of the world are entitled with the right of nationality, no one unlawfully be denied by the state to award nationality or to change the nationality

xiv. Unlawful detention

- United Nations has declared that all the persons of the world are entitled , not to be unlawfully detained.

xv. Unlawful interference

- United Nations has declared that all the persons of the world are entitled, not to be unlawfully interfered with their personal, private and family matters.

xvi. Freedom of expression

- United Nations has declared that all the persons of the world are entitled with the right of freedom of expression, they can express what they think

xvii. Freedom of peaceful assembly

- United Nations has declared that all the persons of the world are entitled with the right of freedom of assembly and association, no one can be compelled to enter into any assembly

5) Role of United Nation for Human rights

- United Nations has played a vital role for the development of human rights law and with the efforts of the United Nations the human rights law has become one of the branches of the International law.

6) Role of General Assembly for Human Rights

- General Assembly is one of the most important bodies of United Nations, which has established Human Rights Council in order to discuss, debate and development of international human right for the betterment of the humanity

7) Role of economic and Social council

- Economic and social council is one of the most important bodies of United Nations; it is promoting the freedoms and fundamental rights of the peoples. under Article 62 of United Nations, this council has power to make a commission for development of international human rights

8) Other names of Human Rights

Following are the other names of human rights.

1. Civil liberties
2. Constitutional rights
3. Natural rights
4. Rights of citizenship

9) Conclusion

- To conclude, i can say that the basic human rights have been declared by the United Nations such as self-respect, dignity, equality and independence of the peoples of a civilized society and such rights have been protected by an international enactment by the international legislatures.