BLOGS

MCQs on Public International Law for CLAT PG [Part 6]

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Public international law has evolved from a narrow system regulating diplomatic intercourse between sovereign States into a complex legal order addressing global governance, human rights, economic relations, and environmental protection. Classical international law was premised on the absolute sovereignty of States, viewing them as the sole subjects and primary authors of legal norms. Consent was the foundation of obligation: a State was bound only by rules to which it had agreed, whether through treaty or established custom. This voluntarist structure reflected a decentralised legal system lacking a central legislature or compulsory adjudicatory authority.

Over time, this model has been significantly qualified. While sovereignty remains a foundational principle, it is no longer conceived as an unrestrained freedom. Modern international law recognises that sovereignty operates within a framework of legal obligations owed not only to other States, but also, in certain contexts, to individuals and the international community as a whole. The emergence of human rights law, international criminal law, and environmental obligations has contributed to this transformation, shifting the focus from purely inter-State relations to the protection of shared values.

Sources of international law continue to be formally articulated through Article 38(1) of the Statute of the International Court of Justice, which lists treaties, custom, general principles of law, and subsidiary means such as judicial decisions and scholarly writings. Yet the manner in which these sources function has become more nuanced. Customary international law, for instance, is no longer understood solely as a product of long-standing practice; it also requires acceptance as law (opinio juris). In certain domains, particularly human rights and humanitarian law, customary norms have emerged rapidly, raising questions about the traditional requirement of prolonged State practice.

Treaties, though grounded in consent, increasingly operate within an interpretive framework that emphasises object and purpose rather than rigid textualism. This reflects a broader shift towards effectiveness and coherence in international obligations. At the same time, treaty regimes often

generate institutional structures—such as conferences of parties or monitoring bodies—that influence the development of law beyond the original text, blurring the line between law-making and law-application.

Another notable development is the recognition of peremptory norms (jus cogens), which invalidate conflicting treaties and override State consent. These norms, reflecting fundamental values such as the prohibition of genocide, slavery, and torture, signify a hierarchical ordering within international law. Their existence challenges the traditional view of international law as a purely horizontal system and suggests the presence of constitutional elements within the international legal order.

Dispute settlement mechanisms have also diversified. While the International Court of Justice remains central, specialised tribunals and arbitral bodies address trade, investment, human rights, and the law of the sea. Jurisdiction, however, largely remains consent-based, underscoring the persistent tension between State autonomy and legal accountability. Compliance with international judgments often depends less on coercive enforcement and more on reputational costs, reciprocity, and political pressure.

Ultimately, public international law reflects an ongoing effort to reconcile sovereign equality with collective interests. It neither abolishes sovereignty nor permits its unqualified exercise. Instead, it represents a dynamic legal system in which authority is negotiated, obligations evolve, and legitimacy derives from a combination of consent, necessity, and shared normative commitments.

Q1. The classical voluntarist conception of international law primarily assumed that:

a. States are bound by universal moral norms

b. Consent is the sole basis of international obligation

c. Individuals are primary subjects of international law

d. Enforcement is guaranteed through coercive mechanisms

Q2. The contemporary understanding of sovereignty in international law is best described as:

a. Absolute and indivisible

b. Subordinate to domestic law

c. Operative within a framework of international obligations

d. Irrelevant to global governance

Q3. Which development most directly challenges the idea that States are the only subjects of international law?

a. Diplomatic immunity

b. Human rights treaties

c. Treaty reservations

d. Territorial integrity

Q4. The requirement of opinio juris in customary international law primarily serves to:

a. Prove historical continuity

b. Distinguish legal obligation from habit

c. Measure enforcement capability

d. Establish treaty equivalence

Q5. Rapid formation of customary norms is most commonly observed in the field of:

a. Law of treaties

b. Diplomatic law

c. Human rights and humanitarian law

d. State responsibility

Q6. The modern approach to treaty interpretation emphasises object and purpose mainly to:

a. Undermine State consent

b. Ensure rigid textual uniformity

c. Promote effectiveness of obligations

d. Replace customary law

Q7. Which feature of treaty regimes most clearly illustrates the blurring of law-making and law-application?

a. Reservations and declarations

b. Institutional monitoring bodies

c. Withdrawal clauses

d. Amendment procedures

Q8. Peremptory norms (jus cogens) differ from ordinary customary norms because they:

a. Require unanimous State consent

b. Can be derogated from by treaty

c. Invalidate conflicting international agreements

d. Apply only during armed conflict

Q9. The recognition of jus cogens suggests that international law:

a. Is purely horizontal

b. Rejects sovereignty

c. Contains elements of normative hierarchy

d. Eliminates State equality

Q10. The jurisdiction of the International Court of Justice is best characterised as:

a. Automatic and universal

b. Compulsory for UN members

c. Dependent on State consent

d. Limited to advisory opinions

Q11. Why does compliance with international judgments often rely on non-coercive factors?

a. International law lacks binding force

b. Domestic courts enforce ICJ rulings

c. Enforcement mechanisms are decentralised

d. States reject judicial authority

Q12. Reputational costs in international law function primarily as:

a. Legal sanctions

b. Political incentives for compliance

c. Substitute for treaties

d. Forms of customary obligation

Q13. The diversification of international tribunals mainly reflects:

a. Decline of the ICJ

b. Fragmentation of international law

c. Specialisation of international regulation

d. Loss of State consent

Q14. The persistence of consent-based jurisdiction demonstrates the continuing relevance of:

a. Natural law

b. Sovereign equality

c. Collective security

d. Universal jurisdiction

Q15. The overarching trajectory of public international law can best be described as:

a. Replacement of sovereignty with global authority

b. Static preservation of classical principles

c. Negotiated balance between autonomy and collective interests

d. Judicial domination over State policy

Answers

1. Correct Answer: B – Consent is the sole basis of international obligation Explanation: Classical international law treated consent as the foundation of all binding norms, reflecting a decentralised and sovereignty-centric system.
2. Correct Answer: C – Operative within a framework of international obligations Explanation: Modern international law no longer views sovereignty as absolute; it is exercised subject to legal constraints arising from international commitments.
3. Correct Answer: B – Human rights treaties Explanation: Human rights law recognises individuals as rights-holders, challenging the exclusively State-centric model.
4. Correct Answer: B – Distinguish legal obligation from habit Explanation: Opinio juris ensures that a practice is followed out of a sense of legal duty, not mere convenience or courtesy.
5. Correct Answer: C – Human rights and humanitarian law Explanation: These fields have witnessed rapid crystallisation of norms due to moral urgency and widespread acceptance.
6. Correct Answer: C – Promote effectiveness of obligations Explanation: Object-and-purpose interpretation ensures treaties function meaningfully rather than mechanically.
7. Correct Answer: B – Institutional monitoring bodies Explanation: Such bodies influence normative development even without formal amendment powers.
8. Correct Answer: C – Invalidate conflicting international agreements Explanation: Jus cogens norms override consent and render incompatible treaties void.
9. Correct Answer: C – Contains elements of normative hierarchy Explanation: Peremptory norms introduce hierarchy into an otherwise horizontal system.

10. Correct Answer: C – Dependent on State consent Explanation: ICJ jurisdiction generally requires express or implied consent of States.
11. Correct Answer: C – Enforcement mechanisms are decentralised Explanation: International law relies on voluntary compliance reinforced by political and reputational considerations.
12. Correct Answer: B – Political incentives for compliance Explanation: States comply to preserve credibility, reciprocity, and diplomatic standing.
13. Correct Answer: C – Specialisation of international regulation Explanation: New tribunals respond to technical complexity in areas like trade and investment.
14. Correct Answer: B – Sovereign equality Explanation: Consent-based jurisdiction reflects respect for equal sovereignty of States.
15. 15. Correct Answer: C – Negotiated balance between autonomy and collective interests Explanation: Public international law neither abolishes sovereignty nor permits unchecked autonomy; it mediates between the two.