BLOGS

MCQ’s on Public International Law for CLAT PG [Part 7]

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Passage

International law governing the oceans and the use of force reflects an attempt to balance sovereign rights with the collective interests of the international community. The law of the sea, as codified in the United Nations Convention on the Law of the Sea (UNCLOS), establishes a carefully calibrated distribution of maritime zones, each conferring distinct rights and obligations upon coastal States.

While sovereignty extends fully over internal waters and the territorial sea, the Convention introduces functional jurisdictions in zones such as the contiguous zone and the exclusive economic zone, where coastal State rights coexist with freedoms enjoyed by other States. The continental shelf regime, in particular, underscores that sovereign rights over natural resources exist ipso facto and ab initio, independent of occupation or proclamation, reflecting a legal entitlement grounded in the physical prolongation of land territory beneath the sea.

Judicial interpretation has consistently emphasised that these maritime entitlements are not absolute. They are constrained by duties of due regard, cooperation, and peaceful use of the seas. In delimitation disputes, international courts have rejected rigid formulas, instead favouring equitable principles aimed at achieving an equitable result. Maritime sovereignty is thus conditioned by international legality and mutual restraint.

Parallel to this spatial regulation of the oceans is the general prohibition on the use of force under Article 2(4) of the United Nations Charter. This prohibition constitutes a cornerstone of the contemporary international legal order. Any exception to it, including the inherent right of self-defence under Article 51, is subject to strict conditions.

Jurisprudence has clarified that self-defence is triggered only by an armed attack of sufficient gravity and that measures taken in response must satisfy the requirements of necessity and proportionality. Assistance to non-State actors or indirect forms of intervention may engage

international responsibility where they amount to effective participation in the use of force.

The conduct of hostilities, once an armed conflict exists, is regulated by international humanitarian law, notably the Geneva Conventions. These instruments seek to limit the effects of warfare by protecting persons not taking part in hostilities and by regulating the means and methods of combat. Compliance with humanitarian law obligations is independent of the legality of the use of force itself, reinforcing the principle that humanitarian protections apply irrespective of the justification advanced for military action.

Modern international law increasingly recognises the intersection between environmental protection and both maritime governance and armed conflict. States exercising rights under UNCLOS are under an obligation to protect and preserve the marine environment, including through environmental impact assessment where activities pose a risk of significant harm.

This obligation reflects a broader principle of due diligence, requiring States to prevent transboundary environmental damage even in the exercise of sovereign rights. The emergence of environmental considerations in the law of armed conflict further underscores that military necessity does not displace fundamental obligations owed to humanity and to future generations.

Q1. The description of continental shelf rights as existing ipso facto and ab initio primarily serves which legal function in international law?

a. To justify permanent sovereignty over maritime zones

b. To negate the requirement of State consent in maritime delimitation

c. To sever continental shelf rights from acts of proclamation or occupation

d. To subordinate continental shelf claims to equitable principles

Q2. The requirement of “due regard” in maritime zones beyond the territorial sea most closely reflects which structural feature of UNCLOS?

a. Absolute sovereignty of coastal States

b. Hierarchical prioritisation of economic interests

c. Functional overlap of rights and freedoms

d. Residual jurisdiction of flag States

Q3. International courts’ reluctance to apply rigid formulas in maritime delimitation most directly flows from which jurisprudential concern?

a. Avoidance of judicial law-making

b. Preservation of State consent

c. Achievement of an equitable result in diverse geographical contexts

d. Deference to political negotiation

Q4. The passage's treatment of self-defence under Article 51 implies that proportionality operates as:

a. A temporal limitation on the duration of force

b. A numerical limitation on casualties

c. A relational constraint between attack and response

d. A discretionary standard dependent on State practice

Q5. Which of the following best explains why indirect assistance to non-State actors may still attract international responsibility?

a. Because all non-State actors are attributable to States

b. Because intent alone suffices for use of force

c. Because effective participation may amount to use of force

d. Because collective self-defence requires UN authorisation

Q6. The passage's assertion that humanitarian law applies "irrespective of the justification advanced for military action" reinforces which principle?

a. Reciprocity

b. Equality of belligerents

c. Distinction between jus ad bellum and jus in bello

d. Martens Clause

Q7. The obligation to conduct environmental impact assessments (EIAs) under international law is best characterised as:

a. A treaty-specific procedural duty

b. A discretionary environmental safeguard

c. An aspect of the due diligence obligation

d. A non-binding best practice

Q8. The idea that sovereign rights under UNCLOS are "conditioned by international legality" most clearly undermines which classical conception of sovereignty?

a. Territorial absolutism

b. Popular sovereignty

c. Parliamentary supremacy

d. Sovereign equality

Q9. Which conceptual thread best links maritime governance with the prohibition on the use of force as discussed in the passage?

a. Expansion of coastal State jurisdiction

b. Functional limitation on sovereign discretion

c. Primacy of economic development

d. Centralisation of enforcement mechanisms

Q10. The requirement that an "armed attack" be of sufficient gravity before triggering Article 51 most directly excludes which scenario?

a. Cyber operations causing economic loss

b. Minor frontier incidents without serious effects

c. Proxy warfare involving non-State actors

d. Attacks on military installations

Q11. Which of the following best captures the legal significance of describing marine environmental obligations as owed to "future generations"?

a. It converts environmental law into human rights law

b. It introduces inter-temporal equity into State responsibility

c. It displaces State consent in environmental regulation

d. It transforms soft law into binding custom

Q12. The passage's emphasis on cooperation in maritime and environmental contexts most closely aligns with which general principle of international law?

a. Pacta sunt servanda

b. Abuse of rights

c. Good faith

d. Permanent sovereignty over natural resources

Q13. In international law, the idea that continental shelf rights exist independently of proclamation primarily distinguishes them from:

a. Exclusive economic zone rights

b. Territorial sea sovereignty

c. Internal waters jurisdiction

d. Archipelagic waters

Q14. The notion that military necessity does not override environmental obligations most directly challenges which traditional wartime doctrine?

a. Reprisals

b. Total war

c. Command responsibility

d. Combatant immunity

Q15. Read together, the passage suggests that modern international law is best characterised as:

a. Consent-based but enforcement-oriented

b. Sovereignty-preserving but interest-balancing

c. Power-centric with normative exceptions

d. Institutionally centralised and coercive

Answers

1. Correct Answer: C The ipso facto and ab initio formulation clarifies that continental shelf rights arise automatically under international law, independent of State acts. This distinguishes them from zones like the EEZ, which require proclamation.
2. Correct Answer: C “Due regard” arises precisely because multiple States simultaneously enjoy different rights in the same maritime space, requiring mutual restraint rather than exclusivity.
3. Correct Answer: C Courts avoid rigid formulas because geographical configurations vary widely. Equity is not mathematical equality but context-sensitive fairness.
4. Correct Answer: C Proportionality does not mean symmetry; it requires a rational relationship between the armed attack and the defensive response.
5. Correct Answer: C Where a State’s assistance reaches the threshold of effective participation, it may be legally characterised as involvement in the use of force.
6. Correct Answer: C This reflects the foundational separation between jus ad bellum (legality of force) and jus in bello (conduct of hostilities).
7. Correct Answer: C EIAs are now recognised as part of the general due diligence obligation to prevent significant transboundary environmental harm.
8. Correct Answer: A The passage rejects absolute territorial sovereignty by emphasising limits, cooperation, and legal conditioning of State rights.

9. Correct Answer: B Both regimes restrict how States may exercise sovereign power, even where formal jurisdiction exists.
10. Correct Answer: B Minor incidents lacking sufficient gravity do not meet the threshold of “armed attack” under Article 51.
11. Correct Answer: B The reference to future generations introduces inter-temporal equity, expanding responsibility beyond immediate harm.
12. Correct Answer: C Good faith underlies duties of cooperation, due regard, and restraint across international legal regimes.
13. Correct Answer: A Unlike continental shelf rights, EEZ rights arise only upon proclamation and are limited to resource-related entitlements.
14. Correct Answer: B The doctrine of total war assumed unrestricted military necessity, which modern international law rejects.
15. Correct Answer: B The passage portrays international law as preserving sovereignty while simultaneously balancing it against collective and environmental interests.