

BLOGS

MCQ's on Public International Laws for CLAT PG [Part 9]

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Q1. Which of the following theories best explains the binding force of international law on sovereign states?

- A. Command theory of law
- B. Doctrine of consent and pacta sunt servanda
- C. Sovereign equality doctrine
- D. Doctrine of diplomatic immunity

Q2. Which of the following situations most clearly illustrates customary international law?

- A. Rules adopted by the UN General Assembly through resolutions
- B. Long-standing state practice accepted as legally binding
- C. Treaties signed but not ratified by states
- D. Judicial decisions of domestic courts

Q3. The persistent objector rule in customary international law implies that:

- A state may withdraw from treaties unilaterally
- B. A state that consistently objects to an emerging custom is not bound by it
- C. Customary law cannot bind non-consenting states
- D. States may refuse to comply with peremptory norms

Q4. The constitutive theory of recognition holds that:

- A state exists only when recognised by other states
- B. Recognition merely acknowledges an already existing state
- C. Recognition is legally irrelevant to statehood
- D. Recognition is determined by international organisations

Q5. Under the declaratory theory of recognition, a state becomes a subject of international law when it:

- A. Is recognised by at least five states
- B. Fulfils objective criteria of statehood
- C. Joins the United Nations
- D. Gains diplomatic recognition from major powers

Q6. Which principle governs the acquisition of nationality under the rule of jus soli?

- A. Citizenship determined by ancestry
- B. Citizenship determined by place of birth
- C. Citizenship determined by marriage
- D. Citizenship determined by residence

Q7. Which international instrument most comprehensively defines the status of refugees?

- A. Geneva Conventions 1949
- B. Universal Declaration of Human Rights 1948
- C. 1951 Refugee Convention and 1967 Protocol
- D. Vienna Convention on Diplomatic Relations

Q8. Which principle prohibits states from returning refugees to territories where they face persecution?

- A. State sovereignty
- B. Principle of non-refoulement
- C. Doctrine of diplomatic protection
- D. Doctrine of recognition

Q9. Internally displaced persons (IDPs) differ from refugees primarily because:

- A. IDPs are protected by international treaties
- B. IDPs remain within their own state borders
- C. IDPs receive diplomatic protection
- D. IDPs possess dual nationality

Q10. Which doctrine governs situations where a state refuses extradition because the offence is considered political?

- A. Principle of aut dedere aut judicare
- B. Doctrine of political offence exception
- C. Principle of territorial jurisdiction
- D. Principle of diplomatic immunity

Q11. Which of the following best describes the principle aut dedere aut judicare?

- A. States must extradite offenders only to allied states
- B. States must either prosecute an offender or extradite them
- C. States must recognise foreign criminal judgments
- D. States must grant asylum to political offenders

Q12. Which organ of the United Nations has primary responsibility for maintaining international peace and security?

- A. General Assembly
- B. Security Council
- C. International Court of Justice
- D. Secretariat

Q13. Which of the following powers distinguishes the UN Security Council from the General Assembly?

- A. Power to adopt treaties
- B. Power to impose binding sanctions on member states
- C. Power to elect judges of the ICJ independently
- D. Power to appoint the Secretary-General without recommendation

Q14. Which of the following statements best describes the legal authority of ICJ decisions?

- A. They bind all states universally
- B. They bind only the parties to the dispute
- C. They automatically create customary law
- D. They override UN Security Council resolutions

Q15. Which of the following best captures the modern nature of international law?

- A purely voluntary system lacking legal obligation
- B. A decentralised legal system governed primarily by consent of states
- C. A hierarchical legal order dominated by international organisations
- D. A system identical to domestic legal systems

Answers

1. Correct Answer: B - Doctrine of consent and pacta sunt servanda

Explanation: International law lacks a central sovereign authority. Its binding force primarily arises from the consent of states. The principle *pacta sunt servanda* (“agreements must be kept”) forms the foundation of treaty obligations and reflects the consensual basis of international law.

2. Correct Answer: B - Long-standing state practice accepted as law

Explanation: Customary international law requires two elements: **state practice** and **opinio juris** (belief that the practice is legally required). Long-standing consistent practice accepted as law satisfies both elements.

3. Correct Answer: B - Persistent objector rule

Explanation: A state that consistently and openly objects to an emerging customary rule from the beginning may avoid being bound by that rule. However, this doctrine does not apply to **jus cogens norms**.

4. Correct Answer: A - State exists only when recognised

Explanation: The constitutive theory holds that recognition by other states confers international legal personality. Without recognition, an entity lacks full legal status in international law.

5. Correct Answer: B - Objective criteria of statehood

Explanation: Under the declaratory theory, recognition merely acknowledges an existing fact. A state exists once it satisfies criteria such as population, territory, government, and capacity to enter relations with other states.

6. Correct Answer: B - Citizenship determined by place of birth

Explanation: Under **jus soli**, nationality is granted based on the place of birth. This contrasts with **jus sanguinis**, where nationality depends on parentage.

7. Correct Answer: C - 1951 Refugee Convention

Explanation: The **1951 Convention Relating to the Status of Refugees**, supplemented by the **1967 Protocol**, provides the most authoritative definition of refugees and establishes protections for them.

8. Correct Answer: B - Non-refoulement

Explanation: The principle of **non-refoulement** prohibits states from returning refugees to territories where their life or freedom would be threatened. It is considered a cornerstone of refugee protection.

9. Correct Answer: B - Remain within own borders

Explanation: Refugees cross international borders, whereas **internally displaced persons remain within their own country**. Therefore, they remain under the jurisdiction of their home state.

10. Correct Answer: B - Political offence exception

Explanation: Many extradition treaties include a **political offence exception**, allowing states to refuse extradition when the alleged offence is political rather than criminal.

11. Correct Answer: B - Extradite or prosecute

Explanation: The principle **aut dedere aut judicare** obligates states either to prosecute individuals accused of certain serious crimes or extradite them to another jurisdiction for prosecution.

12. Correct Answer: B - Security Council

Explanation: The UN Charter assigns primary responsibility for international peace and security to the **Security Council**, which can adopt binding measures including sanctions and military actions.

13. Correct Answer: B - Binding sanctions

Explanation: Unlike the General Assembly, the **Security Council can adopt binding decisions** under Chapter VII of the UN Charter, including sanctions and enforcement measures.

14. Correct Answer: B - Bind only parties

Explanation: Under Article 59 of the ICJ Statute, ICJ decisions bind only the parties to the dispute and only in respect of that particular case.

15. Correct Answer: B - Decentralised legal system

Explanation: International law differs from domestic law because it lacks a central legislature and enforcement authority. It is largely **decentralised and based on state consent**, though institutions like the UN increasingly influence its development.