BLOGS

Passage-Based MCQ’s on Public International Law for CLAT PG [Part 10]

Adtiya Aryan · 28 May 2026

Public international law operates within a legal order fundamentally different from municipal legal systems. Unlike domestic law, which derives authority from a sovereign legislature and is enforced through hierarchical courts, international law functions within a decentralised system composed primarily of sovereign states. This structural distinction has historically shaped debates regarding the relationship between international law and municipal law. Two principal theories have been advanced to explain this relationship: monism and dualism. Monist theorists argue that international and municipal law form part of a single legal system.

According to this view, international law may operate directly within domestic legal orders and may even prevail over inconsistent national legislation. Dualist theorists, by contrast, regard the two systems as separate and independent. They maintain that international rules must be transformed into domestic law through legislative action before they can create rights or obligations within the municipal legal order.

Treaties represent one of the principal sources of international legal obligation. They are agreements concluded between states or other international actors that are intended to create binding legal obligations governed by international law. Although treaties bind states at the international level, their domestic effect varies depending on constitutional arrangements. In some jurisdictions treaties become automatically enforceable upon ratification, while in others legislative incorporation is required before courts may apply them. This diversity illustrates the continuing tension between the international legal order and municipal constitutional structures.

The emergence of international organisations has further complicated this relationship. Organisations such as the United Nations possess legal personality distinct from their member states and exercise powers conferred upon them by founding treaties. Their decisions may influence domestic law through mechanisms ranging from binding resolutions to the development of international norms. At the same time, the authority of such organisations ultimately derives from the consent of states, reflecting the continuing centrality of state sovereignty within

international law.

Questions of state recognition and state succession also reveal the interaction between political realities and legal principles in international law. Recognition refers to the acknowledgment by existing states that a political entity satisfies the criteria of statehood and may participate in international relations. While the declaratory theory maintains that recognition merely confirms an already existing state of affairs, the constitutive theory suggests that recognition by other states plays a decisive role in conferring international legal personality.

State succession raises further complexities when sovereignty over territory changes through events such as decolonisation, dissolution, or territorial transfer. The successor state may inherit treaty obligations, property rights, or international responsibilities of the predecessor state, though the extent of such continuity depends on the nature of the succession and the applicable rules of international law. These questions demonstrate how international law continually adapts to political transformation while attempting to preserve stability and legal continuity within the international community.

Q1. A national court refuses to apply a treaty obligation because the legislature has not enacted a statute incorporating the treaty into domestic law. Which theory best explains this approach?

a. Monism
b. Dualism
c. Constitutive theory of recognition
d. Doctrine of rebus sic stantibus

Q2. Which international judicial decision most clearly affirmed that international organisations can possess international legal personality separate from member states?

a. Nicaragua v United States (1986)
b. Reparation for Injuries Suffered in the Service of the United Nations (1949)
c. Corfu Channel Case (1949)
d. North Sea Continental Shelf Cases (1969)

Q3. Under the declaratory theory of recognition, a state becomes a subject of international law when:

a. It receives recognition from the United Nations

b. It satisfies the objective criteria of statehood

c. It signs treaties with neighbouring states

d. It receives diplomatic recognition from major powers

Q4. Which convention is widely regarded as codifying the criteria for statehood in international law?

a. Vienna Convention on Diplomatic Relations

b. Montevideo Convention on the Rights and Duties of States

c. Hague Convention on Treaties

d. Geneva Convention on State Succession

Q5. Which principle best explains why some states require parliamentary legislation before treaty obligations become enforceable domestically?

a. Sovereign equality

b. Dualist constitutional structure

c. Pacta sunt servanda

d. Sovereign immunity

Q6. Which of the following best describes the doctrine of pacta sunt servanda?

a. Treaties must be interpreted strictly

b. Treaties are binding upon parties and must be performed in good faith

c. Treaties are enforceable only by international courts

d. Treaties prevail automatically over domestic law

Q7. Which ICJ case emphasised that customary international law can exist independently of treaty obligations?

a. Nicaragua v United States (1986)

b. Barcelona Traction Case (1970)

c. Nottebohm Case (1955)

d. Lotus Case (1927)

Q8. Which legal issue is most central to disputes involving state succession after dissolution of a multinational state?

a. Determining diplomatic privileges

b. Allocation of treaty obligations and state property

c. Determining the legality of war

d. Defining maritime zones

Q9. Which doctrine in international law recognises that international law may directly apply within domestic legal systems without transformation?

a. Dualism

b. Monism

c. Positivism

d. Constitutional supremacy

Q10. Which international legal development most strongly illustrates the increasing authority of international organisations over global governance?

a. The creation of diplomatic immunity rules

b. Binding Security Council resolutions under Chapter VII of the UN Charter

c. Bilateral trade agreements

d. Arbitration treaties

Q11. Which ICJ decision addressed the concept of "effective nationality" in determining international legal protection?

a. Nottebohm Case

b. Nicaragua Case

c. Asylum Case

d. Fisheries Jurisdiction Case

Q12. Which theoretical approach to recognition holds that a political entity becomes a state only when recognised by other states?

a. Declaratory theory

b. Constitutive theory

c. Realist theory

d. Positivist theory

Q13. Which principle most strongly supports the idea that international law may limit domestic legislative autonomy?

a. Sovereign equality

b. Pacta sunt servanda

c. Domestic jurisdiction

d. Diplomatic immunity

Q14. Which situation most clearly illustrates state succession in international law?

a. A state changes its constitution

b. A state joins an international organisation

c. Sovereignty over territory transfers to a new state after decolonisation

d. A government loses an election

Q15. Which modern development has most significantly strengthened the interaction between municipal and international legal orders?

a. The emergence of international criminal tribunals

b. Bilateral investment treaties

c. International postal agreements

d. Diplomatic immunity conventions

Answers

1. Correct Answer: B — Dualism

Explanation: Dualist theory treats international and municipal law as separate legal systems. International law becomes enforceable domestically only when incorporated through legislation.

2. Correct Answer: B — Reparation for Injuries (1949)

Explanation: The ICJ held that the United Nations possesses international legal personality and can bring international claims.

3. Correct Answer: B — It satisfies the objective criteria of statehood

Explanation: Under the declaratory theory, recognition merely acknowledges an existing fact.

4. Correct Answer: B — Montevideo Convention

Explanation: The **Montevideo Convention (1933)** identifies four criteria of statehood: Permanent population, Defined territory, Government, Capacity to enter international relations.

5. Correct Answer: B — Dualist constitutional structure

Explanation: Dualist states treat treaties as international obligations requiring domestic incorporation before courts can enforce them.

6. Correct Answer: B — Treaties must be performed in good faith

Explanation: The doctrine pacta sunt servanda, codified in Article 26 of the Vienna Convention on the Law of Treaties, means agreements must be honoured in good faith.

7. Correct Answer: A — *Nicaragua v United States (1986)*

Explanation: The ICJ held that customary international law prohibiting use of force existed independently of treaty obligations.

8. Correct Answer: B — Allocation of treaty obligations and state property

Explanation: State succession determines how treaties, debts, property, and responsibilities are transferred to successor states.

9. Correct Answer: B — Monism

Explanation: Monist theory views international law and municipal law as part of a single legal order.

10. Correct Answer: B — Binding Security Council resolutions

Explanation: Chapter VII of the UN Charter allows the Security Council to adopt binding decisions.

11. Correct Answer: A — *Nottebohm Case (1955)*

Explanation: The ICJ introduced the idea that nationality must reflect a genuine link between the individual and the state.

12. Correct Answer: B — Constitutive theory

Explanation: The constitutive theory argues that statehood depends on recognition by existing states.

13. Correct Answer: B — Pacta sunt servanda

Explanation: States must perform treaty obligations in good faith.

14. Correct Answer: C — Territorial transfer after decolonisation

Explanation: State succession often occurs after decolonisation or dissolution of states.

15. Correct Answer: A — International criminal tribunals

Explanation: Tribunals such as the ICC and ad hoc international criminal tribunals have significantly strengthened the interaction between domestic and international legal orders.