



Mid-Term Exam (Fall 1999)

1- Illustrate each of the following concepts or rules of Int'l law with a relevant example (70%)

1- Law-making treaty

✓ The Geneva Convention

2- Direct responsibility of individuals under Int'l law

✓ Diplomats who are assigned the duty of representing their states in treaty making or in signing treaties are directly responsible under international law.

3- General principles of law as a material source of Int'l law

4- A state's duty not to perform acts of sovereignty on the territory of another state

3 It is the case when Israel interfered to apprehend Carlos in Argentina.

5- Int'l law as weak law

The nuclear disarming laws which forbid state from making nuclear arms. But states breach these laws and ~~continue to build~~ keep on building their nuclear arsenal like Pakistan, Iraq.

6- Withdrawal of de jure recognition

Canada & Great Britain withdrew from taking part in the recognition of states.

7- Legal disabilities of an unrecognized state

China was not considered as a recognized state until 1979 even though it had all the elements of statehood. This prevented it from participating in ~~the~~ the decision making. It could not veto any decision made by the great powers.

8- Treaty-contract

A treaty between Syria & Lebanon concerning free trade of goods and low tariffs in passing of goods between the two countries.

9- A "fixed" territory is not an essential element to the existence of a state

Israel was considered a state in 1949 even though its territory kept on increasing.

10- Material element in the formation of customary Int'l law

11- Recognition of "governments-in-exile"

EX: Lebanon in 1943? when ~~the~~ Bshamoun gov which was in prison was recognized as a legal gov.

12- Rights of individuals under Int'l law against states of which they are nationals.

3 In ~~the~~ the European community, ~~the~~ individuals have human rights which the states like France, Belgium, Luxembourg have to secure to their nationals.

13- Survival of "natural law" theories today.

Iraqi's invasion of Kuwait ~~is~~ even though the great powers like USA, France, UK did not approve of ~~the~~ Iraqi's invasion and considered it as a breach of int'l law.

14- Servitude

II- Define : (30%)

1- Incorporation of Int'l law into municipal law

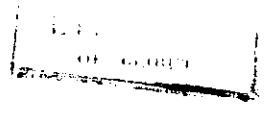
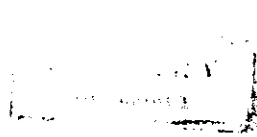
It is when ~~the~~ municipal law becomes a repetitive and recurring law in the different states. So its practice is so wide spread that it can be considered as an international law.

2- Obligations associated with "territorial sovereignty"

The ability to preserve the state from any foreign attack or occupation to its territory. And the ability of the state to spread its power over its whole territory and be able to keep peace and order ~~at all times~~ & have sovereignty over its whole territory.

3- Psychological element in the formation of customary Int'l law

It means that in the formation of any customary int'l law states should see whether the recurring accidents which occur in different situations conform to the humanitarian view or the aspect that they are considered legal and just if these laws are performed on different countries.



4- "Opposability" in Int'l law

5- "De facto" as distinguished from "implied" recognition

6- Ratification of a treaty.

It is the approval of a state or of two states which are making the treaty that the treaty is to be considered official as of the date of the signature of the diplomats who are assigned to ratify (each one from his own part) the treaty.

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