**ROYAL CIVIL SERVICE COMMISSION**

**BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2014**

**EXAMINATION CATEGORY: TECHNICAL**

**PAPER III: SUBJECT SPECIALIZATION PAPER FOR LAW GRADUATES**

**Date : 12 October 2014**

**Total Marks : 100**

**Examination Time : 150 Minutes (2.5 hours)**

**Reading Time : 15 Minutes (prior to examination time)**

**INSTRUCTIONS**

1. Write your registration number in the space provided in the answer booklet.
2. You have fifteen (15) minutes to read the instructions, clarify doubts, make sure that you have all FIFTEEN (15) pages, and check to see if there is any printing error. This question paper has FIFTEEN (15) pages, including this instruction page. DO NOT write during this time.
3. This question paper is in PARTS I and II:

* PART I with TWO SECTIONS, namely, Section A with fifty (50) multiple choice questions of one (1) mark each (numbered 1-50), and Section B with four (4) short answer questions of four (4) marks each. Both PARTS A and B are compulsory.
* PART II with two (2) Case Studies. Choose only ONE.

1. Clearly indicate the part and question number against each answer. No marks will be given for any answer without such indication or incorrect indication.
2. All answers MUST be written in the answer booklet provided to you. You will NOT be given any mark for answers written other than in the answer booklet. Ask for additional answer booklet, if required. Begin each part in a fresh page.
3. DO NOT tear off any sheet from the answer booklet as well as the question paper.
4. Handover the answer booklet to the invigilator BEFORE you leave the examination hall.
5. This paper has 15 printed pages in all, including this instruction page.

**GOOD LUCK!**

**PART I**

**SECTION A**

**PART I: Multiple Choice Questions (50 marks)**

**Choose from (a)-(d) and clearly write the letter designating the correct answer to each of the following questions. Each question carries ONE mark each. You will NOT be given any mark for choosing more than one answers or smudgy answers.**

1. The oldest principle of international law is the doctrine of:
2. Sovereign immunity
3. Religious freedom
4. Foreign dignitaries
5. Sovereign arbitration
6. The World Intellectual Property Organization seeks to:
7. Promote the protection of intellectual property throughout the world
8. Promote the protection of intellectual property in Asia only
9. Promote the protection of intellectual property in Europe only
10. Promote the protection of intellectual property in the member states of UN
11. Foreign diplomatic envoys enjoy absolute immunity from local jurisdiction:
12. Only in civil matters
13. Only in criminal matters
14. Neither in civil nor in criminal matters
15. Both in civil and criminal maters
16. Which one of the following was NOT the founder of the UN?
17. Nelson Mandela, South Africa
18. Sir Winston Churchill, Great Britain
19. Franklin Delano Roosevelt, USA
20. Joseph Stalin, USSR
21. One of the following countries is yet to become a member of the UN if China does not have issue of its membership:
22. Japan
23. South Korea
24. Taiwan
25. Thailand
26. How many judges are there in the International Court of Justice (ICJ)?
27. 8 Judges
28. 10 Judges
29. 15 Judges
30. 20 Judges
31. The head office of the World Trade Organization (WTO) located in:
32. Geneva, Switzerland
33. Paris, France
34. Berlin, Germany
35. Madrid, Spain
36. Which ONE of the following UN organs deals with peace in the world?
37. The Economic and Social Council
38. The Trusteeship Council
39. The International Court of Justice
40. The Security Council
41. Incoterms refer to:
42. Terms of sale for international shipments
43. A specific method of payment for international shipments
44. Standardization of international trade terminology
45. Standardized procedures for handling international shipments
46. Which of the following country is a permanent member of the Security Council:
47. India
48. Japan
49. Pakistan
50. China
51. Which ONE of the following is an important function of the UN General Assembly?
52. Maintaining security and peace in the world
53. Ensuring public health of the world
54. Imposing the economic sanctions
55. Deliberative functions that makes recommendations
56. Who elects the judges of the ICJ:
57. Only UN Security Council
58. Only UN General Assembly
59. Only Governments of their nationalities
60. A and B
61. The Latin phrase *opinio juris* means:
62. Opinion of the Government
63. Opinion of the Legislature
64. Opinion of the religious heads
65. Opinion of the jurists
66. A norm from which States cannot derogate or deviate from their agreements:
67. *Terra nullius*
68. *Opinio juris*
69. *Jus cogens*
70. *Jus cogentus*
71. A state that lies on an International river is known as:
72. Coastal state
73. Riparian state
74. Littoral state
75. None of these
76. Which ONE of the following is least relied upon as a standard for determining international Law?
77. Customary international law
78. Legal scholarship
79. Treaties
80. Natural laws, or instinctual beliefs, such as “good faith”
81. Which ONE of the following is responsible to ensure to respect and protect the rights of a child?
82. The Trusteeship Council
83. The United Nations Organizations
84. The International Court of Justice
85. State Parties
86. The Headquarters of the World Intellectual Property Organization (WIPO) is located in:
87. Geneva
88. New York
89. Berlin
90. Rome
91. Which ONE of the following is a function of WTO?

1. Restrict the international trade in specific countries
2. Restrict the international trade in the world
3. Supervise and [liberalize](http://en.wikipedia.org/wiki/Free_trade) [international trade](http://en.wikipedia.org/wiki/International_trade) in the world
4. None of the above
5. Which ONE of the following is not a part of the UN?
6. The Security Council
7. The General Assembly
8. The Trusteeship Council
9. Non-Aligned Movement
10. The UN Environment Program (UNEP) is an agency that:
11. Provides specific guidelines to member states on environmental activities, assisting developing countries in implementing [environmentally sound policies and practices](http://en.wikipedia.org/wiki/Environmental_peacebuilding)
12. Dictates the terms and conditions on environmental activities, assisting developing countries in implementing environmentally sound policies and practices
13. Coordinates environmental activities, assisting developing countries in implementing environmentally sound policies and practices
14. None of the above
15. Which ONE of the following serves as the main UN judicial organ to settle disputes between states?
16. International Criminal Court
17. International Court of Justice
18. Security Council
19. Peacekeeping Operations and Missions
20. Which one of the following statements is TRUE in relation to defining a State?
21. Inhabited by permanent population
22. Controlled by an independent government
23. Posses a defined territory
24. All of the above
25. Which one of the following is NOT a UN body?
26. Human Rights Committee
27. The Commission on Human Rights
28. Human Rights Congress
29. Human Rights Council
30. On the eve of the World War I, the peace treaty historically known as the Treaty of Versailles was signed in:
31. Germany
32. The United Kingdom
33. France
34. The United States of America
35. The right of innocent passage is available to:
36. Foreign aircrafts
37. Foreign ships
38. Foreign vehicles
39. Foreign trains
40. With which ONE of the following is the UN Committee on the Elimination of Discrimination against Women (CEDAW) is concern:
41. Women's issues from around the world
42. Women's issues in the United States of America
43. Women's issues in Europe
44. Women's issues in Asia
45. Which ONE of the following regional organizations has the strongest authority in law enforcement within its territory?
46. Organization of American States
47. ASEAN
48. BRICS
49. European Union
50. Which ONE of the following organizations does not contribute to the formulation of international law?
51. Community of democracies
52. UN Security Council
53. WTO
54. ICJ
55. International human rights law is the body of [international law](http://en.wikipedia.org/wiki/International_law) designed to promote and protect:
56. Human rights at the international, regional and domestic levels
57. Human rights in specific countries only
58. Only gender rights at the international, regional and domestic levels
59. [Animal rights](http://en.wikipedia.org/wiki/Human_rights) at the international, regional and domestic levels
60. Which ONE of the following organizations safeguard rights guided by the Convention Relating to the Status of Refugees?
61. IAEA
62. UNICEF
63. WHO
64. UNCHR
65. The Intergovernmental Panel on Climate Change:
66. Constructed the Kyoto Protocol
67. Performed the research included in the climate change findings
68. Is an international panel that concluded that climate change has influenced biomes and economies
69. Fines companies that pollute
70. Which one of the following organization is not a specialized agency of the UNO:
71. Food and Agriculture Organization (FAO)
72. International Labor Organization (LIO)
73. Universal Postal Union
74. South Asian Association of Regional Cooperation (SAARC).
75. Food and Agriculture Organization (FAO) is the largest of UN agencies and its headquarters is in:
76. New York, USA
77. Berlin, Germany
78. Rome, Italy
79. London, England
80. The offense of piracy is subject to the jurisdiction of:
81. Flag States
82. The offender State
83. The United States of America
84. All the States
85. The UN Trusteeship Council was formed in 1945 to help ensure that:

1. [Non-self-governing territories](http://www.wikipedia.org/wiki/United_Nations_list_of_Non-Self-Governing_Territories) were administered in the best interests of the inhabitants and of international peace and security
2. [Self-governing territories](http://www.wikipedia.org/wiki/United_Nations_list_of_Non-Self-Governing_Territories) were administered in the best interests of the inhabitants and of international peace and security
3. [Warring nations](http://www.wikipedia.org/wiki/United_Nations_list_of_Non-Self-Governing_Territories) were administered in the best interests of the inhabitants and of international peace and security
4. Peaceful [territories](http://www.wikipedia.org/wiki/United_Nations_list_of_Non-Self-Governing_Territories) were administered in the best interests of the inhabitants and of international peace and security

### What is the evidence that proves the climate change?

1. It is becoming warmer every year
2. It is becoming colder every year
3. The climate has remained constant, without any change
4. None of the above
5. Biologists most often define biodiversity as:
6. The totality of genes, species, and ecosystems of a region
7. The partiality of genes, species, and ecosystems of a region
8. The partiality of species related to flora only
9. The partiality of species related to fauna only
10. An endangered [species](http://en.wikipedia.org/wiki/Species) is one which has been [categorized](http://en.wikipedia.org/wiki/Conservation_status) by the International Union for Conservation of Nature as:
11. Likely to become [extinct](http://en.wikipedia.org/wiki/Extinction)
12. Likely to become abundant
13. Likely to remain constant
14. None of the above
15. The UN Charter established:
16. Four principal organs
17. Six principal organs
18. Eight principal organs
19. Ten principal organs
20. Which of the following is NOT the function of the UN Secretary-General?
21. To provide support for peacekeeping activities
22. To approve or disapprove UN resolutions
23. To provide general administrative and executions functions
24. To provide technical functions
25. Which ONE of the following is the oldest organization?
26. International Labor Organization
27. Universal Postal Union
28. International Telecommunications Union
29. International Committee of the Red Cross
30. Is there any hierarchy or priority among States under international law?
31. No, all States are considered equal as sovereign States
32. Yes, the States that were the founding members of the UN are vested with more powers and authority
33. Yes, the permanent five members of the UN Security Council are in a superior position than the other States
34. Whether there will be any hierarchy among States is a matter of each international to decided
35. The cold war resulted due to differences between:
36. The USA and UK
37. The USA and Germany
38. The USA and USSR
39. The USA and China
40. In relation to international administrative law, which ONE is FALSE?
41. The internal law and rules of international organizations
42. The substantive rules of international law that directly refer to the administrative matters of individual states
43. Domestic administrative law specifically concerned with international problems or situations
44. The domestic law governing the organization and operation of the executive branch of Bhutanese government
45. Which ONE of the following was created to oversee and coordinate the activities of all UN agencies working on human rights?
46. The Office of the Foremost Commission for Human Rights
47. The Office of the Grand Administrator for Human Rights
48. The Office of the High Commissioner for Human Rights
49. The Office of the Supreme Representative for Human Rights
50. From which country is the current Secretary General of the UN?
51. Japan
52. The Philippines
53. South Korea
54. Hong Kong
55. War crimes are violations of the laws of war and in particular the:
56. Geneva Conventions of 1949
57. Declaration of Paris 1856
58. Vienna Convention 1969
59. None of these
60. The greenhouse effect involves warming of Earth's surface and the:
61. Troposphere
62. Stratosphere
63. Mesosphere
64. Thermosphere
65. The CEDAW Committee consists of:
66. A Chairperson, three Vice-Chairpersons and a Rapporteur
67. A Chairperson, four Vice-Chairpersons and a Rapporteur
68. A Chairperson, five Vice-Chairpersons and a Rapporteur
69. A Chairperson, six Vice-Chairpersons and a Rapporteur

**PART II**

**SECTION A**

**Answer ALL questions. Each question carries 5 marks. Analyze the questions by applying legal principles or logic and write a concise answer to each question directly.**

1. Define “international crime”? What are the conditions required to be satisfied?
2. What are the two main functions of the UN General Assembly? Briefly explain each function.
3. What do you mean by the principle of hot pursuit of a foreign ship under the UN Convention on the Law of the Sea? Explain the principle.
4. Who is the incumbent Director-General of the WHO? What is his/her nationality? What is the initial term of the Director-General’s office? Where is the WHO’s head office located? Which is the WHO’s highest-level decision-making body?

**PART II**

**SECTION B**

**CASE STUDY**

**Choose either Case 1 or Case 2 from Section B. Each case carries 30 marks. Case 1 has 5 questions with SIX (6) marks each (totaling to 30 marks) and Case 2 has FIVE (5) questions with SIX (6) marks each. Carefully analyze and apply legal principles. Weightage will be given for answers with more clarity and preciseness.**

**Case 1**

The ongoing crisis in Ukraine, wherein Russia invaded and annexed Crimea, has generated international concerns and certain important legal questions. The first legal question relates to whether Russia has violated international law with respect to the Ukraine’s territorial integrity and political independence. The second question relates to the legality of the referendum conducted in Crimea whereby it has chosen to become a part of Russia. With regard to the first question, Article 2(3) of the UN Charter imposes obligations upon nations to settle international disputes amicably and by peaceful means. Further, Article 2(4) of the UN Charter prohibits States from using force or threat of force against another state’s territorial integrity and political independence. However, the use of force is permitted through the prior authorization of UN Security Council in order to maintain or to restore international peace and security or where a state exercises its inherent right of self-defense as recognized under Article 51.

In addition to violation of the aforesaid provisions of the UN Charter, [it has been contended](http://www.aspistrategist.org.au/reader-response-russia-and-ukraine/) strongly that Russia is in violation of the 1975 Final Act of the Conference on Security & Cooperation in Europe ([Helsinki Accords](http://www1.umn.edu/humanrts/osce/basics/finact75.htm)) which reaffirmed the obligation of its signatories to respect each other’s territorial integrity and borders as inviolable in addition to refraining from the use of threat of use of force. These are commitments that were echoed in the [1994 Memorandum on Security Assurances](http://www.cfr.org/arms-control-disarmament-and-nonproliferation/budapest-memorandums-security-assurances-1994/p32484) in connection with Ukraine’s accession to the Treaty. Further, Ukraine firmly maintains Russia is violating the [Black Sea Fleet Agreements](http://mfa.gov.ua/en/news-feeds/foreign-offices-news/18622-shhodo-porusheny-chinnogo-zakonodavstva-ukrajini-ta-ukrajinsyko-rosijsykih-ugod-vijsykovimi-formuvannyami-chf-rf-na-teritoriji-ukrajini) and the [1999 agreement](http://mfa.gov.ua/en/news-feeds/foreign-offices-news/18622-shhodo-porusheny-chinnogo-zakonodavstva-ukrajini-ta-ukrajinsyko-rosijsykih-ugod-vijsykovimi-formuvannyami-chf-rf-na-teritoriji-ukrajini) between the Cabinet of Ministers on the use of airspace of Ukraine and of Airspace over the Black Sea, which places caps on Russian troop levels in Crimea and mandates prior approval of Ukrainian authorities before making any troop movements.

Russia does not have UNSC authorization in the Crimean matter and has relied on the argument of acting on humanitarian impulses to protect minorities abroad. Article 12 of the Ukraine-Russia Friendship Treaty specifically requires the protection of Russian origin ethnic minorities and this provides Moscow some kind of legal cover for its actions. Protection of citizens was a principle [utilized by the US](http://jurist.org/forum/2014/03/curtis-doebbler-ukraine-hypocrisy.php) to intervene in Panama and Grenada. NATO relied upon the principle of protecting minorities in Kosovo. NATO’s argument against Russian use of the precedent of Kosovo to intervene in Ukraine is that Kosovo was different owing to the many human lives that were lost before NATO intervention. This argument has been [debunked](http://eng.kremlin.ru/transcripts/6889) by Putin on the ground that it requires nations to wait for the slaughter of innocents before intervening. To what extent the threat to ethnic Russians minorities existed however is a matter of speculation and not law.

1. Is the occupation of Crimea by Russia justified? If yes, why? If no, why not?
2. What do you think would be the valid reasons for the UN Security Council not acting on this matter?
3. Is the referendum exercised by Russia to annex Crimea legally valid?
4. Does Ukraine have valid legal ground to use the force against Russian forces?
5. Discuss the rights of civilian population and protection of civilian objects?

**Case 2**

Ms. Camila Eriksson who is 25 years of age has been living in Orange town, with her mother, Ms. Angela Eriksson. Ms. Camila Eriksson has not been mentally stable for the last three years and she has been under medication and doctors have certified her as mentally ill. However, she has been doing both household chores and independently making grocery purchases both on weekdays and weekends. People in and around knew both Ms. Camila Eriksson and her mother quite well.

Ms. Angela Eriksson comes from a rich family and has inherited a huge chunk of land, measuring about 10 acres based on the Inheritance Act. Ms. Angela Eriksson has given 5 acres of land to her only daughter, transferred land ownership in the name of her daughter. Ms. Angela Eriksson on one or two occasions informed her daughter not to sell the land to a third party without her consent.

Ms. Camila Eriksson found that she and her mother did not have enough money to support her mother and herself as whatever saving they had in the past was all spent. Since she wanted to provide a comfortable life to her mother, Ms. Camila Eriksson sold 1 acre of land to Mr. Elton John, a business man living as one of their neighbours. Without the knowledge of Ms. Angela Eriksson, Ms. Camila Eriksson and Mr. Elton John executed a contract agreeing to sell one acre of land at US$ 10 million. Mr. Elton John already paid US$ 5 million as an advance to Ms. Camila Eriksson. While these things were going between Ms. Camila Eriksson and Mr. Elton John, Ms. Angela Eriksson came to know this fact through her neighbours. Ms. Angela Eriksson comes to you for legal advice and states her daughter suffers from unsoundness of mind.

1. Is the unsoundness of mind or insanity a valid ground for declaring a contract null and void?
2. What are other grounds for declaring the contract null and void?
3. Is the contract between Ms. Camila Eriksson and Mr. John ***void ab-initio*** despite having been signed between two adults, with two witnesses and the contract document has affixed legal stamps?
4. Explain the difference between the ***null & void*** and ***void ab-initio*** of the contract document.
5. Can Mr. Elton John claimed that he did not know the facts that Ms. Camila Eriksson was suffering from mental insanity when the entire neighbours of Ms. Angela Eriksson knew about it and the mental incapacity of Ms. Camila Eriksson was a widely discussed matter within that locality and in the local TV as well?
6. What are the remedies to this case?

\*\*\***TASHI DELEK**\*\*\*