

**ROYAL CIVIL SERVICE COMMISSION**

**BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2010  
EXAMINATION CATEGORY: TECHNICAL**

**PAPER III: SUBJECT SPECIALIZATION FOR LL.B.**

**Date** : 24<sup>th</sup> November 2010  
**Total Marks** : 100  
**Reading Time** : 15 Minutes  
**Examination Time** : 2 hours and 30 minutes

---

**INSTRUCTIONS**

1. You have fifteen (15) minutes to read the instructions, clarify doubts, make sure that you have all eleven (11) pages, and check to see if there is any printing error. This questionnaire has eleven (11) pages. DO NOT write during this time.
  2. This questionnaire is in SECTIONS A and B. Section A is in two (2) PARTS: PART I with fifty (50) multiple choice questions of one (1) mark each (numbered 1-50), and PART II with four (4) short questions of five (5) marks each (numbered 1-4). Answer ALL questions from parts I and II. SECTION B has two (2) case studies A and B of thirty (30) marks each. Answer any ONE question from this section.
  3. All answers MUST be written in the answer booklets. You will NOT be given any credit for an answer written other than in the answer booklets. DO NOT write anything on the question paper.
  4. Write legibly. Evaluator/s cannot give credit for an answer that they cannot read.
  5. Make sure your roll number appears in the space provided in your answer booklets.
  6. Use either BLUE or BLACK ink pen.
- 

**SECTION A: PART I**

Answer ALL questions. Indicate question number. Choose and write the correct answer.

1. The subjects of International Law are:
  - (a) States only
  - (b) Only International organizations
  - (c) States, International Organizations and Individuals
  - (d) United Nations

2. Private International law is also called:
  - (a) Civil law
  - (b) Conflict of laws
  - (c) Local law
  - (d) Common law
  
3. The oldest principle of international law is the doctrine of:
  - (a) Sovereign arbitration
  - (b) Religious freedom
  - (c) Sovereign immunity
  - (d) Sovereign authority
  
4. Principles of comity are important in international law. Comity is:
  - (a) The idea of courtesy that is granted by one country to other countries.
  - (b) The concept that once an international court makes decision, all parties will adhere to it whether or not it is favorable to them.
  - (c) The concept that all countries considered to be equal in international law.
  - (d) The concept that all countries considered to be unequal in international law.
  
5. The executive branch of United Nations is the:
  - (a) Secretariat
  - (b) Secretary-General
  - (c) General Assembly
  - (d) Economic and Social Council
  
6. The U.N. Secretary-General is the head of which U.N. institution?
  - (a) Executive Board of the General assembly
  - (b) Secretariat
  - (c) General Assembly
  - (d) Security Council
  
7. Which of the following programs does NOT operate under the umbrella of the U.N.'s Economic and Social Council?
  - (a) U.N. Development Program
  - (b) U.N. Environment Program
  - (c) World Health Organization
  - (d) Global Environment Facility

8. Which of the following states is NOT a permanent member of the U.N. Security Council?
- (a) Germany
  - (b) France
  - (c) China
  - (d) Russia
9. Which of the following is not a member of the United Nations?
- (a) Iraq
  - (b) Taiwan
  - (c) Vietnam
  - (d) Bhutan
10. Which U.N. institution controls the finances of the organization?
- (a) General Assembly
  - (b) Finance Council
  - (c) Economic and Social Council
  - (d) Security Council
11. Which of the following treaties is considered part of the “International Bill of Human Rights”?
- (a) Universal Declaration of Human Rights
  - (b) Convention on the Rights of the child
  - (c) Convention on the Elimination of All Forms of Discrimination Against Women
  - (d) International Covenant on Civil and Political Rights
12. What marks the International Criminal Court (and controversial), separating it from the International Court of Justice?
- (a) The idea that court has the ability to prosecute a state without prior consent to its jurisdiction.
  - (b) The idea that the court has the ability to prosecute individuals of any nation.
  - (c) The idea that the court has the ability to prosecute any state.
  - (d) The idea that the court has the ability to prosecute only citizens belonging to U.N. member States.
13. The status of embassies and of an ambassador as an official state representative is explicitly defined in the process of:
- (a) Diplomatic representation
  - (b) Diplomatic recognition
  - (c) Diplomatic acceptance
  - (d) Diplomatic immunity

14. The 1948 United Nations General Assembly resolution, which delineates international norms regarding behavior by governments towards their own citizens and foreigners alike, is:
- (a) Universal Treaty on Human Rights
  - (b) United Nations Declaration of Human Rights
  - (c) Universal Declaration of Human Rights
  - (d) None of the above
15. Which of the following contributes to the development in poor countries?
- (a) U.N. children's Fund
  - (b) U.N. Security Council
  - (c) Economic and Social Council
  - (d) U.N. Office on Drugs and Crime
16. Actions that would have been illegal under international law that may be legal if taken in response to the illegal actions of another state are:
- (a) Retaliation
  - (b) Extra-legal responses
  - (c) Escalations
  - (d) Reprisals
17. Enforcement of International Court of Justice's decision is carried out by:
- (a) U.N. Armed Forces
  - (b) U.N. Peacekeeping Forces
  - (c) United States
  - (d) No one
18. Authority for U.N. peacekeeping missions is granted by:
- (a) The Secretary-General
  - (b) The U.N. peacekeeping Council
  - (c) General Assembly
  - (d) Security Council
19. Computer programs and data compilations are afforded copyright international protection under which of the following:
- (a) The WIPO
  - (b) Phonogram Treaty
  - (c) The WIPO Copyright Treaty
  - (d) Paris Convention

20. Which doctrine allows certain limited, unauthorized use of copyrighted materials?
- (a) The fair use doctrine
  - (b) The public use doctrine
  - (c) The no Electronic Theft Act
  - (d) The private use doctrine
21. Which of the following is not protected by copyright laws?
- (a) Photographs
  - (b) Maps
  - (c) Music
  - (d) Color
22. Which of the following is NOT part of the United Nations?
- (a) International Court of Justice
  - (b) General Assembly
  - (c) Security Council
  - (d) World Trade Organization
23. Which one is regarded as one of the main aims of the WTO?
- (a) To eliminate discrimination in world trade
  - (b) To help give preferences to smaller economies
  - (c) To provide financial assistance to countries with debt
  - (d) To help poor countries in industrial development
24. A situation where any advantage given by one member of the WTO to another member must be extended to all WTO members is called:
- (a) The comparative advantage principle
  - (b) The most favored nation principle
  - (c) The inter-regional principle
  - (d) The excessive invoicing principle
25. A situation where countries exports a product at a price below the cost of its production is called:
- (a) Dumping
  - (b) Full cost pricing
  - (c) Price discrimination
  - (d) Price skimming

26. General Agreement on Tariffs and Trade is a multilateral treaty that:
- (a) Imposes multiple trade barriers among its member nations
  - (b) Establishes trade agreements and limits tariffs and trade restrictions
  - (c) Restricts trade among non-member countries
  - (d) Increase tariffs for all member States
27. Which international agreement decided to phase out the use of chlorofluorocarbon?
- (a) U.N. Framework Convention on Climate Change
  - (b) European Union Energy Policy
  - (c) Kyoto Protocol
  - (d) Montreal protocol of 1987
28. According to the Kyoto Protocol, more developed countries should stabilize their emissions at 1990 levels by:
- (a) 2010
  - (b) 2020
  - (c) 2050
  - (d) 2030
29. To which one of the following is Bhutan a party?
- (a) U.N. Convention against Corruption
  - (b) The International Covenant on Civil and Political Rights
  - (c) The International Covenant on Economic and Social Rights
  - (d) The Convention on the Rights of the Child
30. Admission of State as a member of the United Nations:
- (a) Constitutes collective recognition by other states individually
  - (b) Constitutes de facto recognition by other states individually
  - (c) Constitutes de jure recognition by other states individually
  - (d) Does not constitute recognition by other member states of the U.N.
31. In maintaining international peace and security, the Security Council has:
- (a) Exclusive authority
  - (b) Primary authority
  - (c) Both exclusive and primary authority
  - (d) Collective authority

32. “*Jus cogens*” means:
- (a) customary rules only
  - (b) treaty contracts
  - (c) general rules of International Law
  - (d) preemptory norms of International Law which cannot be normally derogated by any state
33. Universal Periodic Review (UPR) is a State-driven process under the auspices of the Human Rights Council which involves a review of the human rights records of all U.N. member every:
- (a) Two years
  - (b) Three years
  - (c) Four years
  - (d) Five years
34. Bhutan underwent its UPR process during the 6<sup>th</sup> Session held in:
- (a) 4-15<sup>th</sup> May 2009
  - (b) 30<sup>th</sup> November – 11 December 2009
  - (c) 8-19<sup>th</sup> February 2010
  - (d) 3-14<sup>th</sup> May 2010
35. Universal Jurisdiction is a principle of international law whereby, the alleged person’s criminal deeds can be punished by:
- (a) Any state
  - (b) State of his nationality
  - (c) State where he resides
  - (d) State in which the crime is committed
36. The basis on which the International Court of Justice exercises its jurisdiction over contentious cases between states:
- (a) Universal jurisdiction
  - (b) Compulsory jurisdiction
  - (c) Extraterritorial jurisdiction
  - (d) Extraordinary jurisdiction
37. “*Pacta sunt servanda*” means:
- (a) Agreements must be kept
  - (b) Rules must be followed
  - (c) Breach of an agreement
  - (d) None of the above

38. Laws of war is also referred to as:
- (a) International Humanitarian law
  - (b) International Human Rights law
  - (c) International armed conflict law
  - (d) None of the above
39. The Convention on the Recognition and Enforcement of Foreign Arbitral Awards is known as:
- (a) The New York Convention
  - (b) The Rome Statute
  - (c) The Hague Convention
  - (d) The Geneva Convention
40. The outcome of the 2009 United Nations Climate Change Conference is the:
- (a) Copenhagen Accord
  - (b) Bali Road Map
  - (c) Kyoto Protocol
  - (d) Rio Declaration
41. Which of the following is not a member of the Convention on the Rights of the Child?
- (a) Bhutan
  - (b) India
  - (c) Mongolia
  - (d) United States of America
42. The Convention on the Elimination of All Forms of Discrimination against Women is often described as:
- (a) Convention on Rights of Women
  - (b) An International Bill of Rights of Women
  - (c) Bill on Discrimination against women
  - (d) U.N. Declaration on Women's Rights
43. The Convention on the Rights of the Child is applicable to:
- (a) Children below 21 years
  - (b) Children below 18 years
  - (c) Children below 16 years
  - (d) Children below 15 years



44. The Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict is called:
- (a) The Kyoto Protocol
  - (b) Optional Protocol
  - (c) Palermo Protocol
  - (d) Cartagena Protocol
45. The Convention for combating transnational organized crime is known as:
- (a) Geneva Convention
  - (b) Hague Convention
  - (c) Convention on the Rights of the Child
  - (d) Palermo Convention
46. Which among the following is NOT a member of the Kyoto Protocol?
- (a) Brazil
  - (b) United States
  - (c) Bhutan
  - (d) China
47. The U.N. Framework Convention on Climate Change aimed at reducing:
- (a) Emissions of green house gas
  - (b) The level of ocean
  - (c) E-waste
  - (d) None of the above
48. Convention on International Trade in Endangered Species is on:
- (a) Plant species
  - (b) Animal species
  - (c) Wild fauna and flora
  - (d) None of the above
49. The U.N. Human Rights Council is the successor to the:
- (a) Committee on Human Rights
  - (b) Commission on Human Rights
  - (c) Human Rights Body
  - (d) Human Rights Group

50. A principle in international law, specifically refugee law, that concerns the protection of refugees from being returned to places where their lives or freedoms could be threatened:
- (a) Non-refoulement
  - (b) Non repatriation
  - (c) Non returnable
  - (d) None of the above

### **SECTION A: PART II**

Answer ALL questions. Apply legal principles or logic and answer the questions directly and concisely with analysis.

1. Where is the seat of the International Criminal Court? Who can initiate proceedings before the International Criminal Court?
2. Where was the U.N. Charter signed? What are the purposes or principles of the U.N. as laid down in its Charter? Mention, at least, four.
3. Where is the seat of the International Court of Justice? How many are its members? What is the term of their office? Who is its incumbent president? What is his/her nationality?
4. Explain the concept of “reservation” in international law? When can a state make reservation? Which Convention defines the concept of reservation?

### **SECTION B**

Answer any ONE question. Apply legal principles or logic and answer the questions directly and concisely with analysis.

#### **Case Study A**

Dorji is a former employee of Dema, the owner of “New Look Hair Salon” a highly successful chain of hairdressing salons. Dorji’s employment was terminated by Dema after a customer complained of his body odour. However, Dorji believes he has been unfairly treated by Dema, and is angry that she sacked him, particularly as Dema refused to pay Nu. 40,000.00 worth of earned leave benefits unused by Dorji.

Upset that he has been treated badly by his boss, Dorji approaches Tsagay for assistance. Tsagay has recently been released from prison. He has a long criminal history of assaults and robberies. Dorji had met Tsagay on a number of occasions at the local pub, and was told by a friend that Tsagay had previously spent time in prison, although Dorji believed it had been for housebreaking.

Tsagay agreed with Dorji's plan to break into Dema's house during a day when Dema was at work, and the plan was that Tsagay and Dorji would pretend to be plumbers if asked why they were attending the house. The plan was for Dorji to take Nu. 40,000.00 worth of property, and for Tsagay to take whatever valuable items he wished.

Tsagay and Dorji arrived at Dema's house, and noticed the front door open. Walking through the open door, Dorji saw a Plasma Television set which he believed must be worth 'at least Nu.40,000.00'. Dorji took the TV while Tsagay went upstairs to the bedroom, and took a box of jewellery. However, when looking for further valuable items, Tsagay was disturbed by Dema's maid who happened to be in the house. The maid screamed in fright, and Tsagay responded by hitting the maid on the head with a hammer rendering her unconscious. Hearing the screams, Dorji rushed upstairs to the bedroom. Tsagay shouted at Dorji:

*"I don't know if she's dead or not, but I'm not taking a chance on going to back to jail. Get her out of here, and make sure she can't be found. If you don't take care of her, remember that I know where you live, and that you have a daughter. I will hunt her down, and you will regret the day you met me. Don't even think about disobeying me, or going to the cops".*

Dorji carried the maid out of the house, but panics after dropping her in the driveway and runs away down the street. Tsagay hears a noise, which he believes is a siren. Tsagay rushes out of the house, and gets into his car. Without realizing that the maid is lying in the driveway, Tsagay backs his car over the maid, killing her.

Discuss the criminal liability, if any, of Dorji and Tsagay.

### **Case Study B**

Nima and Dawa are parties to a deed, the terms of which stipulate that Dawa would repair a computer that Nima used extensively for work purposes. In return for the repair work, Nima agreed to pay Seday the sum of Nu. 10,000. Dawa duly repaired Nima's computer, but Nima now refuses to pay Seday.

In relation to the above facts, answer the following questions:

1. If Dawa sues Nima for damages for breach of contract, what would be the likely measure of damages that Dawa would recover?
2. Could Dawa, as an alternative to suing for damages, obtain an order for specific performance against Nima?
3. If Dawa takes no action against Nima, could Seday initiate an action for the recovery of damages against Nima for breach of contract?
4. How, if at all, would your advice in (1) differ if, at material times, Nima and Dawa are under 18 years of age?

**\*\*\*END OF EXAMINATION\*\*\***