

ROYAL CIVIL SERVICE COMMISSION

**BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2011
EXAMINATION CATEGORY: TECHNICAL**

PAPER III: SUBJECT SPECIALIZATION FOR LAW GRADUTES

Date	:	October 30, 2011
Total Marks	:	100
Reading Time	:	15 Minutes
Examination Time	:	2 hours 30 Minutes

INSTRUCTIONS

1. This questionnaire has eleven (11) pages. 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. 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 PART I and PART II. SECTION B has two (2) case studies: A and B of thirty (30) marks each. Answer any ONE (1) 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 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/ball-point pen.
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SECTION A: PART I

Answer ALL questions. Clearly indicate the number of question that you are answering. Choose your answers from (a) to (d) and write the correct answer.

1. The act of recognition by other States that create a new State and endows it with legal personality and not the process by which it actually obtained independence is:
 - (a) Declaratory theory
 - (b) Constitutive theory
 - (c) International legal theory
 - (d) Theory of compliance

2. The primary objective of the International Law Commission is to:
 - (a) Ensure that the UN functions according to the international laws
 - (b) Advise each member States of UN on the question of laws
 - (c) Determine the legality of the use of force
 - (d) Promote progressive development of international law and its codification

3. The World Trade Organization deals with:
 - (a) Bilateral political issues
 - (b) Multilateral political issues
 - (c) The rules of trade between the nations at a global level
 - (d) Only maritime disputes

4. The mandate of the International Committee of the Red Cross conferred by the international community is to:
 - (a) Assist the States in framing humanitarian law
 - (b) Intervene in the affairs of any State on suspicion of persecution of its citizens
 - (c) Mediate between the two warring States
 - (d) Limit human suffering in times of armed conflict

5. Bhutan made its intention to seek a seat in:
 - (a) The UN Security Council as one of the permanent members
 - (b) The UN Security Council for the term 2013-14 as one of the non-permanent members
 - (c) The Economic and Social Council
 - (d) The Trusteeship Council

6. The current Director General of the World Trade Organization is:
 - (a) Hisashi Owada
 - (b) Ban Ki-moon
 - (c) Pascal Lamy
 - (d) Mohamed ElBaradei

7. Which one of the following is NOT the permanent member of the UN Security Council?
 - (a) China
 - (b) India
 - (c) France
 - (d) United Kingdom

8. Which ONE of the following countries has initially signed the Rome Statute but later on withdrew it?
- (a) China
 - (b) India
 - (c) Bhutan
 - (d) United States of America
9. Which one is NOT the principle of the UN Framework Convention on Climate Change?
- (a) The Parties should protect the climate system for the benefit of present and future generations of humankind
 - (b) Even if there are threats of serious or irreversible damage, lack of full scientific certainty could be used as a reason for postponing the obligation to take measures to prevent climate change
 - (c) The developed country Parties should take the lead in combating climate change and the adverse effects thereof
 - (d) The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects
10. The UN General Assembly meets in regular sessions:
- (a) Annually
 - (b) Bi-annually
 - (c) Three times a year
 - (d) Once in two years
11. The UN Commission on International Trade Law deals with:
- (a) The trade policy issues usually related to public law
 - (b) The laws applicable to private parties in international transactions
 - (c) State-to-State issues such as anti-dumping, countervailing duties, or import quota
 - (d) Disputes between the countries
12. Which ONE of the following can call on UN members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression?
- (a) The Security Council
 - (b) The International Court of Justice
 - (c) The General Assembly
 - (d) The Economic and Social Council
13. Which one of the following UN organs is NOT located in the United States of America?
- (a) The Secretariat
 - (b) The Economic and Social Council
 - (c) The Trusteeship Council
 - (d) The International Court of Justice

14. The UN Economic and Social Council consists of:
 - (a) 44 Members
 - (b) 45 Members
 - (c) 54 Members
 - (d) 55 Members

15. The UN Secretary-General shall make annual report on the work of the Organisation to:
 - (a) The Security Council
 - (b) The Economic and Social Council
 - (c) The Trusteeship Council
 - (d) The General Assembly

16. The Berne Convention protects:
 - (a) News of the day or to miscellaneous facts having the character of items of press information
 - (b) Ideas, procedures, methods of operation or mathematical concepts
 - (c) Rights of authors in their literary and artistic works
 - (d) Industrial design

17. The general mandate of the UN Commission on International Trade Law is to:
 - (a) Further the progressive harmonization and unification of the law of international trade
 - (b) Settle disputes related to trade and business between the States
 - (c) Arbitrate trade disputes
 - (d) Manage the International Law Institute

18. In relation to the principle of hot pursuit of a foreign ship in accordance with the UN Convention on the Law of the Sea, which one of the following is NOT correct?
 - (a) The hot pursuit may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws of that State
 - (b) The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own State
 - (c) The right of hot pursuit may be exercised only by warships or military aircraft
 - (d) The hot pursuit may be undertaken only with authorisation of the UN General Assembly

19. The right of the land-locked States to have access to sea is governed by:
 - (a) 1954 Convention for the Prevention of Pollution of Seas by Oil
 - (b) London Convention on the Dumping of Wastes at the Sea
 - (c) 1982 Convention on Law of the Sea
 - (d) 1974 Paris Convention for the Prevention of Marine Pollution from Land-Based Sources

20. One of the legal basis of the international environmental law on the “polluter pay principle” is:
- (a) The UN Frame Work Convention on Climate Change
 - (b) The Rio Declaration on Environment and Development
 - (c) The Convention on International Trade in Endangered Species of Wild Fauna and Flora
 - (d) The Convention on Biological Diversity
21. The Convention which imposes duty on the States to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities is:
- (a) The Convention on the Rights of the Child
 - (b) The Universal Declaration of Human Rights
 - (c) The International Covenant on Economic, Social and Cultural Rights
 - (d) The International Covenant on Civil and Political Rights
22. There are ... Geneva Conventions, drawn up in 1949 providing for the armed forces on land and at sea, prisoners of war, civilians, wounded and sick etc.
- (a) 2
 - (b) 3
 - (c) 4
 - (d) 5
23. The core of the international humanitarian law is:
- (a) The United Nations Charter
 - (b) The Universal Declaration of Human Rights
 - (c) The Geneva Conventions of 1949 and their Additional Protocols
 - (d) The 1951 Refugee Convention
24. Which ONE of the following prohibits imprisonment merely on the ground of inability to fulfil a contractual obligation?
- (a) The Penal Code of Bhutan
 - (b) The International Covenant on Civil and Political Rights
 - (c) The Universal Declaration of Human Rights
 - (d) The Refugee Convention 1951
25. The primary purpose of establishing the International Centre for Settlement of Investment Disputes is to:
- (a) Provide legal advice to the parties on investment
 - (b) Litigate before the court of law on behalf of the parties
 - (c) Determine whether a State has enough competence to invest in a particular field
 - (d) Provide facilities for conciliation and arbitration of international investment disputes

26. The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda were established by:
- (a) The International Criminal Court
 - (b) The General Assembly
 - (c) The Security Council
 - (d) The European Court of Human Rights
27. The current President of the International Tribunal for the Law of the Sea is:
- (a) David Joseph Attard (Can you move either 27 or 28 to somewhere else)
 - (b) Elsa Kelly
 - (c) Markiyani Z. Kulyk
 - (d) Shunji Yanai
28. The International Tribunal for the Law of the Sea is located in:
- (a) United States of America
 - (b) United Kingdom
 - (c) Germany
 - (d) Japan
29. The Human Rights Council is:
- (a) A non-governmental body, consisting of 47 private individuals
 - (b) An inter-governmental body within the UN system made up of 47 States
 - (c) A Council consisting of human rights activists of few States
 - (d) A body consisting of human rights judges
30. The UN Commission on International Trade Law is a subsidiary body of:
- (a) The World Trade Organisation
 - (b) The General Agreement on Tariffs and Trade
 - (c) The UN General Assembly
 - (d) The UN Commission on Trade and Development
31. The Committee on the Elimination of Discrimination against Women is established by:
- (a) The Convention on Elimination of All Forms of Discrimination against the Women
 - (b) The Declaration on the Elimination of Violence against Women
 - (c) The Universal Declaration of Human Rights
 - (d) The International Covenant on Economic, Social and Cultural Rights

32. The right of self determination which includes the right to determine political status is assured by:
- (a) The Universal Declaration of Human Rights
 - (b) The International Covenant on Economic, Social and Cultural Rights
 - (c) The Convention on Elimination of All Forms of Discrimination against the Women
 - (d) The United Nations Charter
33. The INCOTERMS (International Commercial Terms) are developed by:
- (a) The World Trade Organization
 - (b) The International Law Commission
 - (c) The International Chamber of Commerce
 - (d) The UN Commission on International Trade Law
34. Which ONE ensures that international trade in specimens of wild animals and plants does not threaten their survival?
- (a) The Convention on Biological Diversity
 - (b) The Convention on International Trade in Endangered Species of Wild Fauna and Flora
 - (c) The International Treaty on Plant Genetic Resources for Food and Agriculture
 - (d) The Convention on the Conservation of Migratory Species of Wild Animals.
35. Which of the following is NOT TRUE of the International Treaty on Plant Genetic Resources?
- (a) It provides for the conservation of the plant genetic resources for food and agriculture
 - (b) It provides for the sustainable use of plant genetic resources for food and agriculture
 - (c) It provides for the fair and equitable sharing of benefits derived from the use of plant genetic resources
 - (d) It does not recognise farmer's rights
36. The UN Secretary General is appointed by the:
- (a) General Assembly
 - (b) Security Council
 - (c) General Assembly on the recommendation of the Security Council
 - (d) Secretariat
37. Which ONE of the following is an example of State Sovereignty?
- (a) Customary law
 - (b) Citizens right to vote in an election
 - (c) A nation making laws for its citizens
 - (d) Right of the Government to ignore the Constitution

38. Which ONE of the following will settle the issue in the event of a dispute as to whether the International Court of Justice has jurisdiction?
- (a) The President of the Court
 - (b) The Court itself
 - (c) The Vice President of the Court
 - (d) Both the President and the Vice President together
39. Decisions of the UN General Assembly on important question shall be made by:
- (a) Simple majority
 - (b) Simple majority present and voting
 - (c) Two-thirds majority of the total members
 - (d) Two-thirds majority of the members present and voting
40. The privileges and immunities on the UN is conferred by:
- (a) General Assembly Convention on the privileges and immunities of the United Nations 1946
 - (b) Vienna Convention on Diplomatic privileges and immunities
 - (c) Stockholm Convention on privileges and immunities
 - (d) Geneva Convention on privileges and immunities
41. The subject matter of replacement of one State by another in the responsibility for the international relations of territory is covered by:
- (a) The Vienna Convention on Succession of States in Respects of Treaties 1978
 - (b) The Vienna Convention on Succession of States in Respects of State Property, Archives and Debts 1983
 - (c) The UN Charter
 - (d) Both (a) and (b)
42. The European Court of Human Rights is situated at:
- (a) Tilburg, The Netherlands
 - (b) Strasbourg, France
 - (c) Luxemburg
 - (d) Saarburg, Germany
43. The admission of any State to the UN membership will be effected by a decision of the General Assembly upon the recommendation of:
- (a) The Security Council
 - (b) The UN Secretary General
 - (c) The Trusteeship Council
 - (d) The Economic and Social Council

44. The decision of the International Court of Justice has:
- (a) Binding force on all the UN members
 - (b) Binding force on all States of the World
 - (c) No binding force except upon the parties to a dispute, and only in respect, of a particular dispute between them
 - (d) No any binding force on any member State
45. There are currently ... full, voting members of the UN General Assembly:
- (a) 195
 - (b) 190
 - (c) 189
 - (d) 193
46. The Convention on the Rights of the Child:
- (a) Totally prohibits parents from expecting their children to help at home
 - (b) Allows children to work at home in ways that is safe and appropriate at their age
 - (c) Allows children to work in hazardous conditions if monitored by parents
 - (d) Does not recognize social development as right of the child
47. The International Criminal Court was established to:
- (a) Try individuals guilty of committing crimes of genocide, humanity and war crimes
 - (b) Try international terrorist
 - (c) Supervise extradition of a person from one State to another
 - (d) Try crimes limited to specific area and time frames which are of international importance
48. The UN General Assembly has:
- (a) 4 Main Committees
 - (b) 5 Main Committees
 - (c) 6 Main Committees
 - (d) 7 Main Committees
49. The international carriage of goods by sea is NOT governed by:
- (a) The Hague Rules
 - (b) The Hague-Visby Rules
 - (c) Hamburg Rules
 - (d) Warsaw Convention

50. Under the World Trade Organisation agreement, the national treatment principle means:
- (a) Two foreign nationals must be treated equally
 - (b) To treat foreign nationals and locals equally
 - (c) Foreign national and local cannot be treated equally
 - (d) Two locals must be treated equally

SECTION A: PART II

Answer ALL questions. Analyze and apply legal principles or logic and answer the questions directly and concisely.

1. Compare and contrast the jurisdiction of the International Criminal Court and the International Court of Justice?
2. Where is the seat of the International Criminal Court located? How many judges are there in its judicial division? What is the term of their office? Who is its incumbent president? What is his/her nationality?
3. Explain what is meant by reprisal under international law?
4. What are the different approaches or criteria for determining whether a regime is to be recognized as the “government” of the State?

SECTION B

Answer any ONE question. Analyze and apply legal principles or logic and answer the question directly and concisely.

Case Study 1

Mr. Dawa, a journalist from Bhutan was covering the ongoing violent protests by the members of the Environment-Savers, a non-governmental organization of Noland, against the Government of Noland. Despite warnings from the Prime Minister of Noland, Dawa moved around Noland to take pictures of protest. In the process, Dawa was hit by a sharp metallic object which came from the Environment-Savers, and died on the spot. Nima, wife of the deceased (Dawa) argued that under international law, the State of Noland is responsible for her husband’s death and sought relief.

You as the legal advisor, advise the Government of Noland as to its responsibility or liability?

You as the lawyer of Nima, how would you advise?

Case Study 2

Mr. Karma while walking along the footpath of the Thimphu Town at dusk fell into the pith, dug by the road workers during the day time under the supervision of the Department of Roads.

Both the Road Act 2011 and the Municipal Act provide that:

“If a pith is dug while constructing road, the warning sign shall be posted at the site”.

There was no such warning sign posted at the site.

Karma does not know what kind of legal action to be pursued and against whom and he approaches you for a legal advice. Give reasons for your answer.

Advice Karma on the following:

1. Can Karma initiate criminal prosecution?
2. Can Karma sue labourers?
3. Can Karma sue the Department of Road?
4. Can Karma sue the Thimphu Municipal Corporation?

***END OF EXAMINATION ***