

SECTION A

PART I: Multiple Choice Questions (50 marks)

Choose the correct answer and write down the letter of your chosen answer in the Answer Booklet against the question number e.g. 51 (a). Each question carries ONE mark. Any double writing, smudgy answers or writing more than one choice shall not be evaluated.

1. Bhutan became a party to the United Nations Convention against Transnational Organised Crime on
 - a) December 12, 2000
 - b) December 13, 2000
 - c) December 14, 2000
 - d) Bhutan is not a party to the United Nations Convention against Transnational Organised Crime.

2. Who is the current Director-General of WTO?
 - a) Roberto Azevêdo
 - b) Pascal Lamy
 - c) Mike Moore
 - d) None of the Above.

3. The League of Nations established in January, 1920 had two principal organs. What are they?
 - a) General Assembly and Security Council
 - b) Trusteeship Council and General Assembly
 - c) Assembly and Council
 - d) Council and Secretariat

4. Which of the following is an event(s) leading to the establishment of the United Nations?
 - a) Declaration of St. James Palace (1941)
 - b) United Nations Declaration (1942)
 - c) Moscow Declaration (1943)
 - d) All of the Above.

5. The United Nations Conference on International Organisation (UNCIO) is known as
 - a) Yalta Conference
 - b) Dumbarton Oaks Conference (1944)
 - c) San Francisco Conference (1945)
 - d) New York Conference

6. Which of the following is not a principle of the United Nations laid down under Article 2 of the UN Charter?
 - a) The principle of sovereign equality.
 - b) The inter-generational principle.
 - c) The principle of assistance to the United Nations.
 - d) The principle of peaceful settlement of international disputes.

7. Which of the following is an outcome of the Earth Summit?
 - a) Climate Change Convention (UN Framework Convention on Climate Change).
 - b) Agenda 21.
 - c) Convention on Biological Diversity.
 - d) All of the above.

8. Which of the following is true when it concerns to the voting system in the General Assembly of the United Nations?
 - a) An original member gets two votes and a subsequent member get only one vote.
 - b) Each member gets only one vote.
 - c) Each member gets three votes.
 - d) None of the above.

9. Who elects non-permanent members of the Security Council and for a term of how many years?
 - a) Security Council, for two years.
 - b) General Assembly, for three years.
 - c) General Assembly, for two years.
 - d) Security Council, for three years.

10. When did Bhutan present its candidature for a non-permanent membership of the UN Security Council?
 - a) 2008
 - b) 2010
 - c) 1999
 - d) 2012

11. The Treaty (the Pact of Paris) signed on August 27, 1928 is also known as
 - a) the Kellogg-Briand Pact.
 - b) the Anti-War Treaty of Non-Aggression and Conciliation.
 - c) the Locarno Treaty.
 - d) Geneva Convention.

12. The Economic and Social Council of the United Nations meet _____ in a year.
 - a) thrice
 - b) twice
 - c) once
 - d) quarterly

13. Who appoints the Secretary-General of the United Nations and on whose recommendation?
 - a) Appointed by the Security Council on the recommendation of the General Assembly.
 - b) Appointed the General Assembly on the recommendation of the Security Council.
 - c) Appointed by the General Assembly on the recommendation of permanent members of the Security Council.
 - d) Appointed by the Security Council on the recommendation of the United States of America.

14. What was the judicial organ established by the League of Nations?
- Permanent Court of International Justice.
 - International Court of Justice.
 - Permanent Court of Arbitration.
 - None of the above.
15. Which of the following statement is **FALSE** when it concerns the International Court of Justice?
- It consists of fifteen judges.
 - A State shall not have two members of the Court.
 - Judges are to be elected by the General Assembly and by the Security Council independently, but simultaneously.
 - Those candidates who obtain unanimous support of the General Assembly and the Security Council are considered as elected as the members of the Court.
16. Who was the first President of the International Court of Justice?
- Judge Gilbert Guillaume
 - Judge Guerrero
 - Judge Basdevant
 - Nagendra Singh
17. When can the International Court of Justice adjudicate a dispute?
- When one State files a case.
 - When consented to by both the disputants to the jurisdiction of the ICJ in a particular case.
 - In case of (b) and (d)
 - When the States generally recognise the compulsory jurisdiction of the ICJ.
18. Which agency or organisation became the first specialised agency of the United Nations?
- United Nations Educational, Scientific and Cultural Organisation (UNESCO).
 - World Health Organisation (WHO).
 - International Labour Organisation (ILO).
 - International Bank for Reconstruction and Development (IBRD).
19. World Bank is also known as?
- International Bank for Reconstruction and Development (IBRD)
 - International Monetary Fund (IMF)
 - Combination of International Finance Corporation (IFC), International Development Association (IDA), International Monetary Fund (IMF) and International Bank for Reconstruction and Development (IBRD)
 - None of the above.

20. International Finance Corporation (IFC) is aimed at
- assisting in the reconstruction and development of members by facilitating the investment of capital for productive purposes including the restoration of economies destroyed or disrupted by war.
 - encouraging the development of productive facilities and resources to member governments and to government agencies or private enterprises under governmental guarantee.
 - promoting international monetary co-operation and the expansion of international trade.
 - investing funds in productive private enterprises, in association with private investors and without government guarantee.
21. World Intellectual Property Organisation (WIPO) replaced
- The International Union for the Protection of Industrial Property (The Paris Union).
 - The International Union for the Protection of Literary and Artistic Works (The Berne Union).
 - The United International Bureaux for the Protection of Intellectual Property (BIRPI).
 - United Nations Organisation for the Protection of Intellectual Property.
22. Geneva Gas Protocol for the prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare was concluded under the auspices of
- United Nations
 - Treaty Westphalia
 - Treaty of Versailles
 - The League of Nations
23. The maxim *nullum crimen sine lege, nulla poena sine lege* stands for
- no punishment until proven guilty.
 - no punishment for wrong one did not commit.
 - no punishment without a pre-existing law.
 - no punishment for acts committed in self-defence.
24. The Charter of the International Military Tribunal (Nuremberg Trial) allowed to the trial against which of the following?
- Crime against peace
 - War crimes
 - Crimes against humanity
 - All of the above.
25. The United Nations Conference on the Human Environment (1972) was held at
- Nairobi
 - New York
 - Tokyo
 - Stockholm
26. Second United Nations Conference on Human Settlements (HABITAT-II, 1996) is known as
- City Submit
 - Nairobi Declaration
 - Basel Convention
 - Stockholm conference

27. Earth Summit is known as
- Conference of Plenipotentiaries in Basel
 - Conference of Plenipotentiaries in Vienna
 - United Nations Conference on Environment and Development
 - New York Conference
28. Convention on Biodiversity (1992) was adopted in
- Kyoto
 - New York
 - Nairobi
 - Johannesburg
29. The Genocide Convention (The Convention on the Prevention and Punishment of Genocide) was adopted on
- December 9, 1948
 - January 12, 1951
 - December 11, 1946
 - November 21, 1947
30. The International Criminal Court is established by _____ on July 17, 1998.
- Berne Convention
 - Rome Statute
 - Paris Convention
 - New York Convention
31. The seat of International Criminal Court is at
- Rome
 - Geneva
 - The Hague
 - Paris
32. The first President of the International Criminal Court established in 1998 is
- Phillipe Kirsch
 - Judge Gilbert Guillaume
 - Judge Guerrero
 - Judge Basdevant
33. The ECOSOC's appointment of the first Commission on Human Rights was approved by the General Assembly on
- December 10, 1948
 - June 21, 1946
 - February 12, 1946
 - None of the above.

34. Currently, WTO has total of
- a) 192 members
 - b) 164 members
 - c) 182 members
 - d) 150 members
35. The post of UN High Commissioner for Human Rights was created by the UN General Assembly on
- a) December 20, 1993
 - b) December 10, 1948
 - c) June 21, 1946
 - d) February 12, 1946
36. The Office of the UN High Commissioner for Human Rights is located at
- a) The Hague
 - b) Paris
 - c) Geneva
 - d) New York
37. Who was the first UN High Commissioner of Human Rights?
- a) Kofi Annan
 - b) Jose Ayala Lasso
 - c) Franklin D. Roosevelt
 - d) None of the above.
38. Universal Declaration of Human Rights is also known as
- a) International Bill of Human Rights
 - b) International Convention of Human Rights
 - c) International Declaration of Human Rights
 - d) None of the above.
39. Which Article of UDHR lays down limitations to rights and freedoms?
- a) Article 22
 - b) Article 30
 - c) Article 29
 - d) None of the above.
40. The General Assembly adopted International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights on
- a) December 15, 1948
 - b) July 11, 1991
 - c) December 16, 1966
 - d) December 19, 1966

41. The implementation procedure under the Covenant on Civil and Political Rights is carried on by the Human Rights Committee consisting of
- fifteen members.
 - twenty members.
 - twenty-five members.
 - eighteen members.
42. The Convention on the Elimination of All Forms of Discrimination Against Women (1979) is also known as
- International Bill of Rights of Women
 - International Convention on the Rights of Women
 - International Covenant on the Rights of Women
 - None of the above.
43. The Convention on the Rights of the Child came into force on
- November 20, 1989
 - September 2, 1990
 - December 18, 1979
 - October 7, 1999
44. What are the two Optional Protocols to the Convention on the Rights of the Child, adopted on May 25, 2000 in New York?
- Optional Protocol on the Committee on the Rights of Child and Optional Protocol on the Involvement of Children in Armed Conflict.
 - Optional Protocol on the Committee on the Rights of Child and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.
 - Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.
 - None of the above.
45. United Nations High Commissioner for Refugees (UNHCR) came into existence on
- December 14, 1950
 - January 1, 1951
 - February 16, 1946
 - December 15, 1946
46. Bhutan established the Bhutan Red Cross Society by adoption of the Bhutan Red Cross Society Act in
- 2017
 - 2018
 - 2016
 - 2015

47. In 1899, the Peace Conference at the Hague was convened on the personal initiative of
- US President Roosevelt
 - French President Émile Loubet
 - The Emperor Nicholas II of Russia
 - Dutch Prime Minister Nicolaas Gerard Pierson
48. The top-most decision-making body of WTO is
- General Council
 - Ministerial Conference
 - General Assembly
 - None of the above.
49. Currently, how many members are parties to CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora)?
- 163
 - 183
 - 165
 - 122
50. Bhutan ratified the United Nations Convention against Corruption on
- September 15, 2005
 - September 21, 2016
 - September 15, 2006
 - September 21, 2017

PART II – Short Answer Questions (20 marks)

This part has 4 Short Answer Questions. Answer ALL the questions. Each question carries 5 marks.

- Describe some of the weaknesses of the League of Nations.
- Can the General Assembly of the United Nations admit new members without the recommendation of the Security Council? Explain briefly, the procedure and criteria for admitting a new member to the United Nations.
- Do you think that UDHR, ICCPR and ICESCR had any influence in drafting of the Bhutan's Constitution? Why?
- Briefly explain different sources of International Law in light of the Article 38 of the Statute of the International Court of Justice.

SECTION B: Case Study (30 marks)

Choose either CASE I or CASE II from this section. Each case study carries 30 marks. Mark for each sub-question is indicated in the brackets.

CASE I

On 13 November 2002, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”) entered into force for Bhutan after acceding to it on 15 August 2002.

Sangay is a businessman at Gelephu in Sarpang Dzongkhag. He runs an automobile business of importing Indian-manufactured or collaborated vehicles and parts. While talking with one of his suppliers in India, he found that the species of a wild Dove (bird) found in Bhutan has a medicinal value that could cure AIDS. He also found that a gram of dried Dove meat fetches Nu. 6000.

Sangay started to hunt wild Doves and export the meat to India through his suppliers in India. However, he did not possess a trade license to do this export business. On 30 June 2019, the Bhutan Agriculture and Food Regulatory Authority (BAFRA) intercepted Sangay with dried Dove meat at Gelephu Border Gate. BAFRA reported the matter to the Department of Forest and Park Services of the Ministry of Agriculture and Forest, where they found that species of the Dove is listed on Appendix I of the CITES as a species threatened with extinction.

The Ministry referred the matter to the Royal Bhutan Police (RBP). On 5 July 2019, the RBP arrested Sangay for violating the Article II of CITES. After investigation, the RBP referred the case for prosecution to the Office of Attorney General (OAG).

You are an Attorney at the OAG, and you are assigned to prepare the charge-sheet against Sangay. You are confronted with different legal issues.

1. Examine the constitutionality of convicting Sangay directly under CITES. (6 marks)
2. Describe the relationship of Bhutan’s municipal (national) law with international law. Is Bhutan dualist or monist nation? (7 marks)
3. Examine if there are Bhutanese laws that can be used to convict Sangay of a crime committed under CITES. (7 marks)
4. Assuming that the National Court in Bhutan refuses to try the case, can Sangay be prosecuted before the International Criminal Court? Justify your answer in light of the jurisdiction of the International Criminal Court. (10 marks)

CASE II

During the national election, the DNT promised that they will do away with the cut-off point for admission to Class XI. This promise triggered the controversies of different sections of the Bhutanese population. Particularly, many questioned the constitutionality of raising the free education standard to Class XII.

DNT after getting elected as the Ruling Party, decided to implement this pledge even after the National Education Conference resolved not to implement the pledge. Further, the Government went ahead with implementation of the pledge without obtaining the approval of the Parliament. In other words, without tabling the Appropriation Bill in the Parliament authorising the expenditure. The Government argues that they did not have to table the Appropriation Bill for implementing the pledge because they are re-appropriating the Ministry of Education's budget already approved by the Parliament and it is within the approved budget ceiling.

The Opposition Party approached you as a constitutional expert for your advice. Advise the Opposition Party on the following issues based on provisions of the Constitution of Bhutan and other relevant laws:

1. Whether the Government can amend or change the policy of the standard of free education unilaterally. (7 marks)
2. The Government uses Section 57 of the Public Finance Act to justify their claim. Part of the Section 57 reads as: "*Such revision of the Budget under section 57 (b) and (e) may be approved by the Lhengye Zhungtshog only on the recommendation of the Ministry of Finance where additional budget does not exceed the total approved budget. The Ministry Finance may authorise additional budget through technical adjustments but remaining within the total approved budget*". Section 57 (b) allows revision of the budget in case of substantial increase in costs of programmes as approved by the Lhengye Zhungtshog. Section 57 (e) allows revision of the budget to meet expenditure on an activity which is of national importance as approved by the Lhengye Zhungtshog. Advise whether the Section 57 is constitutional? And why? (10 marks)
3. Advise the Opposition Party on the policy and legal implication of the Government's unilateral decision to change the policy and implement the programmes related to the said policy without the budget approval of the Parliament. (7 marks)
4. Advise whether right to education is justiciable under the Bhutanese Constitution. (6 marks)

TASHI DELEK