



Sample Oral Round Questions from Prior Years

1. What is basis of jurisdiction of this court in this case?
2. What law is applicable to this case?
3. Why is the Statute of this Court applicable?
4. What do you mean by “customary international law” and is it the same thing as “general international law?”
5. What are the elements in customary international law, what is meant by opinio juris?
6. Who has the burden of proving the existence of a rule of customary international law?
7. Can secondary sources or decisions of national courts be sources of international law?
8. What is the legal status of a resolution of the General Assembly and in what circumstances can it be strong evidence of a rule of customary international law?
9. When are resolutions of the UN Security Council legally binding, and when they are binding, how is this reconciled with Article 38 of the Statute of this Court?
10. Are “general principles of law” a source of international law under Article 38, and if so, when can this court rely on them?
11. Does this Court have the power to order relief other than the declarations requested by the parties in the ad hoc agreement, and if so, under what authority?
12. What is meant by “reparation,” when does the duty to make reparation arise, and what is your authority for this? Would either compensation or satisfaction be appropriate remedies for either of the States in this case?
13. What is meant by a state being “internationally responsible” to another state, and what are its consequences? What is an “internationally wrongful act” and what are its consequences?
14. When are the acts of individuals or private groups imputable or attributable to a State?
15. What is the status of the ILC Articles on State Responsibility, and what is their status as sources of law under Article 38 of the Statute of this Court?
16. What is the authority of a decision of the Human Rights Committee or the Committee on Torture as a source of law under Article 38? What about an opinion of the Special Rapporteur on Torture? Can they be evidence of customary international law? Can they be evidence of the meaning of a treaty obligation under Article 31 of the 1969 Vienna Convention?
17. Of what relevance is a decision of the English House of Lords in a case before this Court? Of what relevance is a decision of another international court in a case before this court?
18. Is this court bound by its previous decision in the Nicaragua case on what constitutes an armed attack? Is this court ever bound by its prior decisions?
19. Can this Court review a decision of the Security Council to determine if the determination of a threat to peace was justified? Can this court decide whether a provision in a SCR is binding in this case?