

تعداد سؤالات: نسی -- تکمیلی -- تشریحی ۲

نام درس: متون حقوق به زبان خارجی ( بین الملل)

زمان امتحان: نسی و تکمیلی -- دقیقه تشریحی ۹۰

رشته تحصیلی: گرایش: حقوق بین الملل

تعداد کل صفحات: ۴

کد درس: ۱۲۲۳۰۸۵

**Part I. Read the following passage and answer the questions.(5 point)**

The modern rules concerning human rights (which prohibit ill treatment of *all* individuals, regardless of their nationality) are of fairly recent origin. But for more than 200 years international law has laid down a *minimum international standard* for the treatment of aliens (that is, nationals of other states). States are not obliged to admit aliens to their territory, but, if they permit aliens to come, they must treat them in a civilised manner. To put it in technical terms, failure to comply with the minimum international standard 'engages the international responsibility' of the defendant state, and the national state of the injured alien may 'exercise its right of diplomatic protection', that is, may make a claim, through diplomatic channels, against the other state, in order to obtain compensation or some other form of redress. Such claims are usually settled by negotiation; alternatively, if both parties agree, they may be dealt with by arbitration or judicial settlement.

The defendant state's duties are owed, not to the injured alien, but to the alien's national state. The theory is that the claimant state itself suffers a loss when one of its nationals is injured. Consequently, the claimant state has complete liberty to refrain from making a claim or to abandon a claim; it may agree to settle the claim at a fraction of its true value; and it is under no duty to pay the compensation obtained to its national (although it usually does). In these respects, the injured individual is at the mercy of his national state. However, international law does not entirely disregard the individual; the compensation obtained by the claimant state is usually calculated by reference to the loss suffered by the individual, not by reference to the loss suffered by the claimant state.

**A. Choose a, b, c, or d which best completes each item.**

- If a state fails to comply with the minimum laid down by international law regarding the treatment of aliens, .....  
 a. the state of which the injured is a national exercises its right of diplomatic protection  
 b. the state of which the injured is a national exercises its right of making a claim  
 c. the individual will assume the right to take the defendant state into the court  
 d. all of the above
- When an alien is injured and his state makes a claim against the other state, a solution may be reached through .....

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**رشته تحصیلی - گرایش: حقوق بین الملل**

زمان امتحان: تستی و تکمیلی — رتبه تشریحی ۹۰ رتبه

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- a. negotiation
  - b. arbitration
  - c. judicial settlement
  - d. all of the above
3. International law shows regard to the injured alien by ..... .
- a. putting an obligation on his national state to hand over the compensation obtained to him
  - b. calculating the compensation obtained by the claimant state on the basis of the losses suffered by the individual and not by the state
  - c. putting an obligation on his national state to refrain from making a claim.
  - d. a and c
4. A state is responsible for the acts of its private individuals if ..... .
- a. the state has failed to do something that it was expected to do
  - b. the state does something that it should not have been done
  - c. the act is committed by officials outside their duties
  - d. a and b
5. United Kingdom compensated South Africa because ..... .
- a. the police had been ordered to stay away
  - b. inadequate police protection had been provided
  - c. adequate police protection had been provided
  - d. all of the above

### Language Practice

**B. Choose a, b, c, or d which best completes each item.**

6. To alter a treaty by way of modification, deletion, or addition is .....  
it.  
a. to negotiate  
b. to authenticate  
c. to amend  
d. to ratify
7. Following the successful negotiation of a treaty, the next step is the adoption and ..... of the agreed text, by signature or initialling or incorporating the text in the final act.  
a. conclusion  
b. authentication  
c. ratification  
d. accession
8. The location of an international organization is determined by ..... agreement which is signed between the organization and the host country.  
a. an oral  
b. a final  
c. a headquarters'  
d. a global
9. The judicial settlement of disputes is amongst the modes of ..... settlement of dispute.  
a. hostile  
b. arbitrary  
c. bilateral  
d. pacific
10. A treaty ..... only between the parties thereto and the rights for third parties depend only on the intention of the grantor states.  
a. prohibits  
b. provides  
c. applies  
d. all of the above

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**Part II.****A. fill in the blanks with the following words. (2.5 points)**

communications	government	request	method
instructions	permanent	capital	message
ambassador	channel	foreign	summon

The chief purpose of establishing diplomatic relations and <sup>1</sup>..... missions is to serve as a means by and through which states are able to communicate with each other. Such <sup>2</sup>...., which may for example take the form of conversations between the minister for foreign affairs of the state receiving the mission (the receiving state), and the <sup>3</sup>... of the state sending the mission (the sending state), pass from one <sup>4</sup>.. to another through the 'diplomatic .. <sup>5</sup>...'. Since each state normally has not only its own diplomatic mission in the capital of the foreign state, but also a diplomatic mission of the foreign state in its own <sup>6</sup>..., there are two diplomatic channels. To communicate a/an <sup>7</sup>.. to a foreign state the minister for foreign affairs can either send instructions to his ambassador in the foreign state, in which case the ambassador would <sup>8</sup>.. an interview with the minister for foreign affairs of that state, or <sup>9</sup>... the ambassador of the <sup>10</sup>.. state and give him the message himself for the ambassador to send back to his ministry. Where no answer is required the latter method is the simplest; but where an answer is required the former <sup>11</sup>.. offers the best chance of obtaining the answer quickly, since the ambassador can only reply in terms of the <sup>12</sup>.. given him by his minister.

**B. Find the Persian equivalents of the following terms and expressions (5 points)**

1. abdicate
2. agency
3. diplomatic envoy
4. hypothetical
5. immune
6. immunity
7. incognito visit
8. law of defamation
9. permanent mission
10. public authority
11. retinue
12. rule of comity
13. rules of protocol
14. secret service escort
15. state visit

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G.Translate the following passage into Persian.

### Good Offices

A third party offers his good offices when the object of his intervention is to induce both parties to open negotiations. Such offers are not generally made public, so that it is difficult to be certain about recent diplomatic episodes. One well-established example is the successful intervention in 1906 by the President of the United States, leading to the opening of the negotiations by which the 1904 war between Russia and Japan was brought to an end. It is probable that the negotiations opened in Paris between North Vietnam and the United States were brought about through the good offices of France. The good offices of the former USSR led to the termination of the conflict between India and Pakistan after seventeen days of fighting; the cease-fire was negotiated at Tashkent in the territory of the former USSR on 4 January 1966.

D. Translate the following words and terms into English.( 2.5 points)

۱. نظام حقوقی خارجی

۲. بیمه نامه

۳. بارنامه

۴. حمل

۵. تعارض قوانین

۶. حقوق تجارت بین الملل

۷. کشور در حال توسعه

۸. داور

۹. دعوای بین الملل

۱۰. جبران خسارت