

University of Colombo, Sri Lanka

Faculty of Arts

Master of Arts in International Relations, Semester I - 2018/2019

MAIR 6125: Public International Law

Duration: Two (02) Hours only

Answer Three (03) questions and no more. (Candidates will be penalised for illegible handwriting)

1. 'The very nature of international law is demonstrated by the fact that no State, even under very trying situations, would dare to say today that it does not mind violating international law.'

Do you agree? Discuss in light of your understanding of the nature of international law in the globalised world.

2. 'States, when participating in the norm-setting process, do not act for the primary purposes of laying down international rules. Their primary concern is to safeguard some economic, social, or political interests. The gradual birth of a new international rule is the *side effect* of their conduct in international relations.'

Discuss with particular reference to the sources of international law.

3. (a) 'Since the creation of new States in the future can be accomplished as a result of the diminution or disappearance of existing States, need for careful regulationarises.'

Comment on the above statement.

- (b) Briefly discuss the extent to which the influence of non-State participants dominate the process of formulation of international legal rules. Give examples.

4. (a) 'Universality of jurisdiction over certain offences is considered as a tool to protect the interests of the prime movers in the international arena. Hence, application of such principles is always looked at with a morsel of suspicion by some States which claim that it undermines international relations' .

Do you agree? Discuss.

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- (b) 'If State sovereignty was to remain as the bedrock of international law, no restriction could be placed on the exercise of protective (security) principle of jurisdiction by the members of the international community.'

Citing examples discuss the correctness of the statement.

5. McLaden, the former head of State of Munisia visits Longoda to participate at an international conference on climate change. Longoda, a party to many international human rights treaties including the Rome Statute, detains McLaden for the alleged violations of human rights committed by him when crushing insurgency in Longoda. He claims immunity stating that Longoda does not have jurisdiction over official matters he carried out as the head of State.

Discuss. Can McLaden still claim immunity, instead, if he is the former Foreign Minister of Munisia?

6. (a) 'The facility of invoking the jurisdiction of the International Court of Justice today remains ornamental to many States due to many reasons.'

Identify the reasons for the weakness of the Court and suggest ways and means to address the issue.

- (b) 'Diplomatic immunity is granted for functional purposes and as such, any abuse of such facility should be prevented with much alertness. However, the problem remains in drawing the line between mere suspicion and genuine needs.'

Citing examples, comment on this statement.
