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UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS FINAL EXAMINATION - YEAR III - 2018/19

PUBLIC INTERNATIONAL LAW

(Three Hours)

Total Number of Questions: 07

Answer any **FOUR** (04) Questions and **NO MORE**

(Candidates will be penalized for illegible handwriting)

1. "State consent does not imply that all States must give their consent at all times for the formation of international law; the consent of the majority of States is normally sufficient. It can be argued that consent of States is crucial only in some situations, however, on certain other aspects of international law, it is practically irrelevant"

Critically assess the above statement with the support of relevant examples.

2. "International rules and norms are sometimes absent, contested, or unenforced, and therefore both States, non-state entities and individuals find opportunities to take advantage of the contemporary ambiguity in the international system."

Identifying the different types of actors at international level, critically discuss the application of international law norms and standards upon these actors in at least ONE chosen specialized regime in international law.

3. Yashian, since its independence in 1965, has freely entered into international agreements and the government has openly supported international norms and standards at international forums. However, there is no clear guidance in Yashian's legal system as to how international law is received into domestic law, and the practice of the legislature and the courts on this matter has been extremely inconsistent. The result of this confusion is that there are serious doubts about the practical value of Yashian's stand taken at international forums.

Both the international community and the local civil society organizations working on legal reform in the country are calling upon the government to clarify the processes to be followed with regard to accepting and implementing international obligations. The National Law Commission has called for submissions by the public regarding their views on what Yashian's position should be in the future.

Assume that you are a young legal academic in the State of Yashian concerned about the implementation on international law in the country. Write a paper making explicit recommendations as to the ways and means of effecting necessary legal reforms to address your concerns. Your paper should include analysis of both the theoretical and practical aspects.

4. Answer **both A and B**:

- (A) Easyland is an island State situated strategically in the Somiana Ocean, recovering both politically and economically from a decades-long internal strife due to a local separatist movement. Recently, an agreement has been concluded between Easyland and the State of Anotica on specific matters of regional security and economic cooperation. Clause 6 of the agreement reads as follows:

"The parties agree to allow their territory being accessed freely by their designated agencies in case of an anticipated or potential situation of exigency and such access will not necessitate any additional requirements. In such a situation of exigency, any action or omission of the parties or by their designated agencies is exempted from the jurisdiction of the national courts or any other local law enforcement authorities."

The Patriotic Movement of Easyland stages several protests against this agreement and wishes to know whether Clause 6 of the agreement is a compromise on the sovereignty of Easyland. Write an opinion paper highlighting the jurisdictional issues involved in the situation.

- (B) Although the 1961 Vienna Convention on Diplomatic Relations is considered as a self-contained regime, the law on diplomatic immunity is being confronted with a number of emerging challenges and hurdles in practice, in order to cover various persons and different activities related to diplomatic relations.

Discuss the above statement with special reference to recent cases and recommend proposals, if any, as to how the 1961 Vienna Convention on Diplomatic Relations could be modified.

5. "Peaceful settlement of international disputes is a fundamental principle of international law of a peremptory character. Now, it formulated in the Charter of the United Nations and further developed by States through their practices."

Explain the above statement and critically examine the international legal framework of Peaceful settlement of international disputes. Substantiate your answer by citing relevant examples of means of peaceful settlement of disputes, with special attention to contemporary events.

6. The State of Romeo wishes to enter into a bilateral defense agreement named CHAIR with State of Juliette. Legal advisers and opposition political parties criticize certain provisions of the CHAIR agreement stating that if CHAIR is signed, Romeo armed forces

can visit Juliette at any moment carrying weapons without prior permission and that may violate the territorial integrity and political independence of Juliette.

The Government of Juliette gives up the idea of signing the CHAIR agreement. Romeo gets angered with that and sends 10 warships near the territorial waters of Juliette. The ships engage in testing their missiles and launch certain missiles towards the high seas. The joint Commander of Juliette army orders its Air Force to bomb the Romeo warships. Several drone attacks end with damaging five warships. UN Security Council wishes to take steps to restore peace and security in the region. However, the hostilities among Romeo and Juliette are still going on.

If you are invited to write an opinion to the President of the Security Council how do you frame your arguments? Include the relevant legal provisions, case law, examples of previous resolutions adopted by the Council and similar country situations in support of your opinion.

7. The State of Cinnamonica, which is situated in the Blue Oceania (BO) region, hosts the 2019 Regional Rugby Cup Tournament. Seven teams from the BO region arrive in Cinnamonica. The rugby team of Gingern is mainly comprised of *Peese* devotees, belonging to the moderate group of the Sathusti religion. An extremist group of Sathusti named *Samaajd*, under the instigation of an international terrorist group named *SISI*, plans to explode a number of bombs on the inaugural day of the 2019 Regional Rugby Cup Tournament. All the teams are given accommodation in five star hotels. On the inauguration day, the first bomb goes off at the restaurant of the hotel where Gingern team is residing. Some players are having their breakfast in the restaurant during the explosion and two players are killed on the spot while three others are seriously injured making them permanently disabled. Another bomb goes off inside the stadium, where the inauguration ceremony is scheduled to take place, killing more than three hundred locals and fifty foreigners from the region.

While *Samaajd* claims the responsibility for the attack, their international counterpart endorses that *Sammajd* blasted the bombs in support of their religious ideologies. The Police Chief of Cinnamonica makes adverse comments on both *Peese* and *Samajd* religious ideologies, which offends Gingern. Media reports reveal that the intelligence agencies of Cinnamonica had communicated to the government of *Cinnamonica* in advance, on the possibility of this attacks.

Gingern wishes to claim reparation for physical and emotional damages that it encounters as a result of the above attacks. Assume that you are the legal adviser to the Ministry of Foreign Affairs of Cinnamonica. Write your legal opinion for the Ministry.
