

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
BACHELOR OF LAWS EXAMINATION, YEAR III – 2022

PUBLIC INTERNATIONAL LAW
(Three Hours)

Total Number of questions: 06

Answer any **THREE** questions **ONLY** and no more.

(Candidates will be penalized for illegible handwriting.)

1. 'International law is required to produce an order of the world rather than a system of international relations. Therefore, the study of international law from a historical perspective is essential for a thorough understanding of the functioning of the contemporary international legal order and system.'

Critically discuss the above statement with reference to relevant examples that illustrate the evolution and the contemporary status of international law.

(100 Marks)

2. The State of Zendib is facing an economic crisis and as a result, there are many civilian upheavals. The opposition of the country, the 'Tora Tora', organises a protest. The protestors burn down a factory belonging to the State of Rastra located in Zendib killing three Rastra nationals who were on the site. Rostov, a national of Kualu, who works as a media correspondent for the national television of Kualu is forcibly taken into custody by police officers of Zendib. He is severely beaten on the basis that he is a spy working on behalf of 'Tora Tora'. The State of Rastra claims that Zendib should be held responsible for the deaths of its nationals and the destruction of its property while the State of Kualu claims that Zendib is responsible for the torture of Rostov. The government of Zendib claims that it had no part to play in the burning down of the factory and the deaths that resulted. Zendib also claims that Rostov was taken into custody since his live coverage brought disrepute to the country although Zendib did not order any harm to Rostov.

Analyse the responsibility of Zendib under International Law and the validity of its mitigatory pleas.

(100 Marks)

3. Answer **BOTH (A) AND (B)**:

(A) 'It is an essential attribute of sovereignty that all sovereign independent States possess jurisdiction over all persons and property within its territorial limits in all civil and criminal matters arising within these limits.'

Critically analyse the above statement with special reference to one of the grounds of extraterritorial jurisdiction of States.

(50 Marks)

(B) Aalan and Baranan, citizens of the State of Swetcha, are employed as the political officer for local affairs and the chef respectively in the Embassy of the State of Rantania in the State of Swetcha. The Swetchan authorities arrest Aalan and Baranan and charge them with drug offences. They claim that Aalan has been using Rantanian's diplomatic bags to import into Swetcha drugs, which are prohibited substances under Swetchan law, and that Baranan has been distributing these to the local drug peddlers. On hearing of this, the Ambassador of Rantania announces that he intends to terminate the services of Aalan and Baranan.

Assume that Rantania and Swetcha are State parties to the Vienna Convention on Diplomatic Relations 1961. Advise Aalan and Baranan,

- (i) Whether they are entitled to immunity for the criminal charges against them;
- (ii) Would your answer be different if Aalan and Baranan are citizens of Rantania?

(50 Marks)

4. People of 'Mathura Bhumi,' a territory adjoining the State Sitalnd, have adopted a self-proclaimed Constitution that provides for democracy and a competitive market. However, Sitaland, a member of the Security Council, claims that Mathura Bhumi is historically one of their regions and their Constitution provides evidence of this. As the political tensions escalate between Mathura Bhumi and Sitaland, Mathura Bhumi declares independence and applies for membership in the United Nations. Sitaland opposes the recognition of Mathura Bhumi. But several States are willing to recognise the declaration of Mathura Bhumi. 'Global Citizens,' a transnational organisation states that Mathura Bhumi should not be recognised as a State because the corporations within its borders exploit child labour and pollute the oceans with unregulated emissions.

Assume that you are a consultant to the International Law Commission. Prepare a report to the Commission analysing the status, rights, and duties of the actors involved in the above scenario.

(100 Marks)

5. "Drawing upon sources found in international law, not as binding rules but as contextual principles, judges of municipal courts in this century will assume an important function in making the principles of international law a reality throughout the world."

M. Kirby, 'International Law-The Impact on National Constitutions' (2006) AUILR 327, 329.

Critically analyse the above quotation with reference to the role played by the judiciary in implementing international law domestically with reference to Sri Lanka and one other selected jurisdiction of your choice.

(100 Marks)

6. States Orissa and Akraine, members of the United Nations, share a border. The region of Gonstek is located near the border of Akraine closer to Orissa and its majority of citizens are of Orissian origin. For many decades Orissa has tried to annex Gonstek to its territory but has failed. In 2022 Orissa provides arms, logistics, and monetary support to the 'Azzuris', a militia group operating in the Gonstek region that supports annexing Gonstek to Orissa. An anti-Orissian group based in Akraine carries out an armed attack in Orissa and destroys an army bunker in Logrand, the capital of Orissa. Orissa sends its armed forces equipped with modern artillery near the borders of Akraine and invades Akraine. Orissa argues that it is carrying out a humanitarian mission helping the citizens of Akraine who have been continuously oppressed by the respective governments of Akraine. Heavy fighting ensues between the armies of Orissa and Akraine. The President of Orissa declares that Orissa is not hesitant to use nuclear weapons to defeat Akraine, though it did not possess such weapons at the time of making the declaration.

Assume that you have been appointed as a legal advisor to prepare a report to be sent to the United Nations. Prepare the report critically assessing the legality of actions of Orissa and Akraine

(100 Marks)
