

UNIVERSITY OF COLOMBO, SRI LANKA  
FACULTY OF LAW  
BACHELOR OF LAWS EXAMINATION - YEAR III - 2016/2017

**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.)

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1. "If every international injustice could be elevated to international law merely by making it part of the legally binding content of a treaty, the idea of international law as moral order could be reduced to merely an illusion."

Critically evaluate the above statement in light of the nature and historical development of public international law, with special reference to the challenges it faced during its evolution. Your answer should be supported by relevant authorities.

2. "Since 1945, there has been a substantial increase in the number of States; and other international actors have also begun to emerge. The principles and practices which determine whether an entity is understood to be a member of the international community and governed by international law have also changed significantly over time."

Critically analyze the above statement. Your answer should be supported by relevant examples.

3. "Although there are legal theories concerning the relationship between international and domestic law, what actually occurs within States is based more on practicality and political will, than due to loyal adherence to any particular theory."

Critically discuss the above statement, citing relevant authorities and giving examples with regard to emerging trends in selected jurisdictions.

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

- A. Ken is a citizen of the State of Berica who is living in Dinaland. He had left his country because he had written a book criticizing the President of Berica, for which he had received death threats. One day when he was walking along the street in Dinaland, he was attacked and killed by Rowin. The police later arrest Rowin and find that he is a citizen of the State of Lowania. Rowin states that he was hired to kill Ken by Jenny, the Deputy Ambassador of Berica in Dinaland. Jenny is arrested and questioned by the Dinaland police and she complains of humiliating treatment by the police.
- B. The President of Berica has travelled to the State of Middlestan for an important regional conference. Protestors shouting 'murderer' and holding posters against the President of Berica gather outside his hotel. On one particular day, video recordings showed the Berican President standing nearby as his bodyguards attack and beat the protestors, causing serious injuries. Furthermore, the State of Dinaland has issued an international arrest warrant against the Berican President for conspiracy to commit the murder of Ken. Notwithstanding these facts, the government of Middlestan refuse to arrest the Berican President while he is attending the conference in their country.

Critically discuss the rights and obligations of the States of Berica, Lowania, Dinaland and Middlestan, in light of the applicable principles of international law.

5. The ethnic groups in the State of Yoga are the Siromi majority and the minority groups are the Virokans and the Nailakans. The Virokans, who live densely in the southern region of Yoga, are seeking to establish a separate State and have called for support from all neighbouring States. Amrania, a neighbouring State, expresses its willingness to support the Virokans. In 2016, the southern part of Yoga fell under the control of the Virokans and a new governance has been established. Amrania recognizes this territory as a new Virokan State and commences a bilateral relationship and contemplates to establish a new embassy of Amrania. The continued support to and relationship with the Virokans by Amrania irritate Yoga intensely. No other State in the region supports or has established a relationship with the Virokans. Yoga decides to freeze all the Amranian assets, expel all Amranians from Yogan territory and dishonor all the treaties signed bilaterally between the two countries.

Write an opinion paper on the various means and methods which are available for resolving the dispute between Yoga and Amrania.

6. Answer either A and B:

A. Northland is a country rich in minerals and plagued by corruption. The government of the State of Chocoland is investigating Mr Goyo, the Vice President of Northland for money laundering. As part of the investigation they have seized his bank accounts in Chocoland and a small luxury boat named 'Northstar' which is used by Mr. Goyo for his travels, stating that it was purchased with stolen public funds from Northland. Chocoland has also seized a ship called "Northpole" which is currently being used by Northland for exporting valuable minerals to other countries. Northland expresses its outrage that their property has been seized by Chocoland and calls it a violation of international law.

Advise Chocoland on the relevant international legal principles, making special reference to their historical development and citing relevant legal authorities.

B. Officials of the State of Wonderstan have arrested Mr. Osman, a citizen of the State of Korina, who was travelling in their country as a tourist. Mr. Osman was the Minister for the Interior in the government of Korina between 2006-2016. The basis of his arrest was a complaint from an organization called "Mothers of Korina", stating that Mr. Osman was responsible for the enforced disappearances of political opponents in Korina, as well as forcing families of political opponents into detention camps where they were compelled to do hard labour. Mr. Osman believes that Wonderstan has no authority to arrest and prosecute him under international law.

Discuss the international legal principles applicable to the above situation. Your answer should include recent jurisprudence and relevant examples.

7. "The doctrine of State responsibility originated as a way to protect foreigners on a State's territory. But its importance in the modern context is because it is a useful method of bringing various private actors under the framework of international law by imposing liability of the State for the wrongful acts or omissions of private actors."

Critically analyze the above statement, with reference to the historical development of state responsibility and how the concept is used to face modern challenges.

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