

MASTER COPY



The University of the South Pacific
Emalus Campus

Examinations
November – 2006


SCHOOL OF LAW

COURSE NAME:	Public International Law
COURSE NUMBER:	LA312
TIME ALLOWED:	Three (3) Hours
READING TIME:	Ten (10) Minutes
NUMBER OF PAGES:	Two (2) Pages
NUMBER OF QUESTIONS ON PAPER:	Five (5)
NUMBER OF QUESTIONS TO BE ANSWERED:	Three (3)
MARK ALLOCATED FOR EACH QUESTION:	Twenty percent of Total Grade
TOTAL MARKS FOR THIS EXAMINATION:	Sixty percent of Total Grade
MATERIALS PERMITTED IN EXAMINATION:	None.

SPECIAL INSTRUCTIONS

1. There is **no compulsory question** in this examination. You are free to choose ANY three out of five. They carry equal value.
2. Where there are sub-parts to any question, please answer all the sub-parts, except where otherwise stated.
3. Do not bother to write the questions on your answer script. It wastes your time.
4. Do not open the next page until you are you are told to do so.
5. Do not attempt to take this question paper out of the examination room. Leave them in your answer booklet.
6. This is a law examination. **Support your answers with legal principles and case law** relating to International Law. Extraneous references are not helpful here.
7. Be calm. **Take note of the operative words in your questions.** Let your mind focus on how best to respond to the questions of your choice. Best wishes!

QUESTIONS START ON THE NEXT PAGE.

Approved

12/9/06

QUESTION ONE (TWENTY MARKS)

“The attack on the World Trade Centre and the Pentagon on 11 September 2001 brought a revolutionary challenge to the doctrine of self-defence and a reassessment of the law in this area.” – Gray, ‘Self-Defence Against Terrorism’, in Evans (ed.), *International Law* (2003), quoted in D. J. Harris, *Cases and Materials on International Law*, 6th Edition, London: Sweet & Maxwell, 2004, page 940. What is your assessment of this statement *vis-à-vis* the concept of international peace and security in international law?

QUESTION TWO (TWENTY MARKS)

Rather than answer the question “What is a State?”, Article 1 of the *Montevideo Convention on Rights and Duties of States, 1933*, simply enumerates the criteria for statehood. In view of those explicit criteria, why has the concept of statehood remained problematic in international law?

QUESTION THREE (TWENTY MARKS)

(a) Many South Pacific countries are *archipelagic states*. Discuss the significance of the *United Nations Convention on the Law of the Sea, 1982*, for such countries with regard to:

- (i) Exclusive Economic Zone **(Five Marks)**.
- (ii) Continental Shelf **(Five Marks)**.

(b) Explain the significance of ANY of the following in respect of fishery matters in the South Pacific region:

- (i) Palau Arrangement
- (ii) Nauru Arrangement
- (iii) Federated States of Micronesia Arrangement. **(Ten Marks)**.

QUESTION FOUR (TWENTY MARKS)

“Controversy between monism and dualism has taxed and divided international lawyers for many years. It is most relevant when considering whether a national court should apply a rule of international law.” – D. J. Harris, *Cases and Materials on International Law*, 6th Edition, London: Sweet & Maxwell, 2004, page 69. Drawing ample illustrations from case law, constitutional provisions and scholarly views, critically examine the significance of the above statement with particular regard to at least one South Pacific country.

QUESTION FIVE (TWENTY MARKS)

(a) Some South Pacific countries are seeking to access WTO membership. In long and short terms, assess the implications of current trends in international economic law for South Pacific countries in general. **(Ten Marks)**.

(b) Describe the extent to which the Constitution of ONE South Pacific country represents a viable domestic framework for the realisation of the International Bill of Rights. What are the impediments to the fulfilment of the promise of international human rights, in general, in your chosen country? What would you conceive to be viable approaches to legal and policy reform in that country? **(Ten Marks)**.

THE END!