



SCHOOL OF LAW

COURSE NAME: Advanced Pacific Dispute Resolution

COURSE NO: LA402

TIME ALLOWED: 3 hours

READING TIME: 10 minutes

NUMBER OF PAGES: 2

NUMBER OF QUESTIONS ON PAPER: 5

NUMBER OF QUESTIONS TO BE ANSWERED: 2

MARK ALLOCATED FOR EACH QUESTION: 20

TOTAL MARKS: 40

MATERIALS PERMITTED IN EXAMINATION ROOM:

None

Please do not turn over any page until you are told to do so.

Answer any two of the following 5 questions. All questions are of equal value.

Question 1

It is constitutionally vital to rely on culturally-blind and objectively neutral dispute resolution processes. To what extent is this statement true and how does this inhibit the use of different forms of dispute resolution in the South Pacific?

Question 2

Forms of dispute resolution may roughly be divided into those that are consensual (those that require the good faith of the parties) and those that are coerced. Discuss this dichotomy with reference to the resolution of disputes in the contemporary South Pacific region or country within the region.

Question 3

Discuss the relative effectiveness of two methods of dispute resolution in respect of any recent dispute in the Pacific region.

Question 4

One assumption that accompanied original (western) ventures into ADR was that it was akin to and accommodating of dialogue based traditional societies. It is ironic therefore that as ADR has developed, it has adopted generic forms that exclude cultural realities and needs. Discuss.

Question 5

It is generally accepted that the state should provide for the institution of formal courts to administer justice. Apart from this core function, how far can the state successfully venture into other areas of dispute resolution? You may confine your answer to one or more states in the South Pacific.