

THIS PAPER IS NOT TO BE REMOVED FROM THE EXAMINATION HALLS

UNIVERSITY OF LONDON

266 0013 ZB

**LLB EXAMINATION**  
for External Students

PART II EXAMINATION (Scheme A)  
THIRD AND FOURTH YEAR EXAMINATIONS (Scheme B)  
GRADUATE ENTRY LEVEL II (Route A)  
GRADUATE ENTRY THIRD YEAR (Route B)

**Public International Law**

Wednesday 10 June 2009 : 2.30 - 5.45 pm

Candidates will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their answer books. They then have the remaining **THREE HOURS** in which to answer the questions.

Candidates should answer **FOUR** of the following **EIGHT** questions.

Candidates should answer all parts of a question unless otherwise stated.

1. 'It has sometimes been argued that the main conclusion to be reached from a study of international law is that any nation may disregard the rules if it is sufficiently powerful, or indeed has sufficiently powerful friends.'

Critically evaluate this statement.

2. 'Customary international law is...derived primarily from state practice, that is to say, unilateral action by various states, although it frequently draws in turn upon the principles embodied in bilateral and limited multilateral treaties.' (Canadian Representative to the 1<sup>st</sup> Committee of the UN General Assembly 1970)

Analyse and discuss.

3. In October 2008 a General Assembly resolution requested the ICJ to render an advisory opinion on the question: 'Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?'

Outline the advisory opinion that you consider the Court should draft.

4. 'The protection of human rights in international law is invariably more effectively accomplished by regional organisations than by the United Nations.'

Critically evaluate this statement.

5. 'The acceptance of "reservations" in treaty law came about because of multilateral treaties with many contracting parties. Without such acceptance, agreement between so many States would be almost impossible. However wide participation has been at the expense of consistency and uniformity as to the extent and nature of international obligations.'

Critically discuss.

6. A military uprising took place in the mountain state of Mistria in January 2009 and the Chief of the Military, General Deronda, assumed power. Mistria's relations with neighbouring states have since then been severely strained. This has been particularly so with regard to Aventura, a liberal democracy led by President Maxo. There have been increasing reliable reports of Aventurian nationals resident in Mistria being detained by the Mistrian police and some detainees have been summarily tried for spying and treason.

President Maxo is increasingly concerned about the mistreatment of the arrested Aventurians, and the possibility of an armed attack by Mistrian forces. In the light of his growing concern President Maxo considers launching a pre-emptive strike.

Advise him on:

- (a) the legal remedies which may be available for the mistreatment of the Aventurian nationals in Mistria; and
  - (b) whether a pre-emptive strike may be launched legitimately against Mistria.
7. 'The advisory jurisdiction of the International Court of Justice has been exploited to enable the Court to consider political questions that would have been more appropriately dealt with in the Security Council.'

Analyse and discuss with reference to one or more advisory opinions that the ICJ has already delivered.

8. When, if at all, may a state legitimately claim a right of extra-territorial jurisdiction?

END OF PAPER