THE UNIVERSITY OF THE WEST INDIES

Examinations of December □ /April/May □ /July □ 2012

Originating Campus: Cave Hill □ Mona □ St. Augustine □
Mode: On Campus □ By Distance □ Western Campus □

Course Code and Title: GOVT 2047: Principles of Public International Law

Date: Thursday, May 3, 2012 Time: 1:00pm
Duration: 2 Hours. Paper No:

Materials required:
Answer booklet: Normal □ Special □ Not required □
Calculator: Programmable □ Non Programmable □
(where applicable)
Multiple Choice answer sheets: numerical □ alphabetical □ 1-20 □ 1-100 □

Auxiliary/Other material(s) – Please specify:

Candidates are permitted to bring the following items to their desks: Pencil or pen, Ruler, ID card, Exam card

Instructions to Candidates: This paper has 3 pages & 8 questions.
Candidates are reminded that the examiners shall take into account the proper use of the English Language in determining the mark for each response.

Students are required to answer two questions, QUESTION ONE and any other TWO questions.

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QUESTION ONE

The State of Harmony and the powerful state of Scrawny shares a land boundary but they have poor relations with each other. In 1947, their relations deteriorated even further when President Metany of the State of Harmony declared that the state of Scrawny should be erased from the map. The State of Scrawny (not a member of the United Nations) is rich in non-renewable resources and possesses a modernised military. Six months later, in August 1947, the state of Scrawny mobilised 500 troops along the Scrawny-Harmony border. President Warrior of Scrawny used its superior air-force to drop bombs on the
State of Harmony killing 10,000 Harmonian civilians and damaging 5,000 homes and critical infrastructure.

President Warrior quickly moved into and captured Pablo Bank, a small territory owned by the State of Harmony. Pablo Bank has a small native Harmonian Indian population of 300 people. It is of economic significance because it is the harvesting ground for fish and queen conch. President Warrior has declared that he has obtained title to Pablo Bank through winning the war with the State of Harmony.

Of the 300 persons living in Pablo Bank, 200 hundred are Muslims and 100 are homosexuals. Upset by this composition, President Warrior has declared: “from today onwards all Muslims must be converted to Christians and all homo-sexuals to heterosexuals. This remain the natural order of things and make no mistake, I will use force to obtain compliance”.

The Harmonian Indians are terrified that they will be killed. They have made an appeal for help to the State of Harmony. Unable to help and still under aerial attacks from the State of Scrawnny, President Metany called upon the State of Prince of Peace and State Almighty to assist. All three states are part of Regional Alliance for the Protection of Small States (RAPSS).

State Almighty and the State of Prince of Peace have obtained intelligence that the Scrawnian Embassies in their territories are being used to hide dangerous weapons. Their intelligence also revealed that the Scrawnian Ambassadors resident in both states are involved in the movement of drugs and that they have close associations with terrorist groups in their home state. President Good of the State of Almighty and President Fairly of the State of Prince of Peace deliberated and hammered out a plan. They ordered the telephone service at the Scrawnian Embassies to be disconnected. The Ambassadors and their staffs were left without communication with their home state. The Almighty Police Force and Prince of Peace Police Force intercepted the Scrawnian Embassy cars. The drivers of the cars who were the nephews of the Ambassadors, were arrested for harbouring terrorists and on drug possession charges. At the police stations in both states, the nephews declared that “as the nephew of a diplomat, diplomatic immunity is enjoyed”.

Eight weeks after the pleas for help, in October 1947, State Almighty and State of Prince of Peace sent a combined force of 24,000 troops into the State of Scrawnny bombing the Presidential Palace but missing the President. In the course of the fighting, 12,000 Scrawnian citizens died and 10,000 homes were destroyed. By itself, the State of Scrawnny was no match for the combined strength of the RAPSS. The UN Secretary General called for all parties to end the fighting which they did in November 1947.

In view of these facts, provide reasoned response to each of the following:

(a) Was President Warrior’s use of force in the State of Harmony legally prohibited by Article 2(4) of the United Nations Charter? (5 marks).

(b) Could President Warrior legally obtain title to Pablo Bank under International Law? (4 marks)

(c) Did President Warrior breach International Law rules by his declaration to the Harmonian Indians of Pablo Bank? (3 marks).
(d) Was it lawful for the State of Almighty and the State of Prince of Peace to enter the conflict? (5 marks).

(e) Did President Good and President Fairly breach International Law in their actions against the Ambassador’s nephews and the Embassies? (3 marks).

QUESTION TWO
Critically discuss the view that international law may be lacking in military confrontations but it does play a useful role in international relations (20 marks).

QUESTION THREE
(a) Critically discuss treaties as a source of international law (10 marks).

(b) Using decided cases, discuss custom as a source of international law (10 marks).

QUESTION FOUR
Critically evaluate the exceptions to the use of military force by states in international law (20 marks).

QUESTION FIVE
Using decided cases, discuss the main issues in the debate concerning the application of the death penalty in the Caribbean (20 marks).

QUESTION SIX
Critically discuss the traditional methods of acquisition of title to territory and consider their relevance in modern international relations (20 marks).

QUESTION SEVEN
Critically discuss the view that immunities are not to benefit individuals but are to ensure the efficient performance of the functions of the diplomatic mission (20 marks).

QUESTION EIGHT
States are the only entities possessing international legal personality. Critically assess this view, using decided cases to support your answer (20 marks).

END OF QUESTION PAPER