The University of the West Indies

Examinations of December □ / April/May □ / July □ 20

SCHOOL

SEMESTER I □ SEMESTER II □ SUPPLEMENTAL/SUMMER □

Examinations of December / April/May / July 20

Originating Campus:
Cave Hill □ Mona * □ St. Augustine □

Mode:
On Campus * □ By Distance □

Course Code and Title: GT25 M – PRINCIPLES OF PUBLIC INTERNATIONAL LAW

Date: Tuesday April 26, 2011

Time: 9:00-12.00pm

Duration: 2 Hours.

Materials required:

Answer booklet: Normal * □ Special □ Not required □

Calculator: Programmable □ Non Programmable □

Multiple choice answer sheets: numerical □ alphabetical □ 1-20 □

Auxiliary/Other material(s) - Please specify:

Candidates are permitted to bring the following items to their desks:

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 three Questions, QUESTION ONE and any other two questions.

**QUESTION ONE**

(a) On November 6, 1997, the Venetian Ambassador to Xmaca, His Excellency Algo Argas, was shot and killed at his home. Members of the Ambassador’s family said that the Ambassador was shot by an intruder shortly after midnight. Xmacan police investigators did not enter the Ambassador’s home until several hours after the shooting. According to Xmacan media reports, there was no evidence of forced entry into the Ambassador’s home, and the Xmacan police found a certain amount of gunpowder and other residue on the hands of two immediate family members of the ambassador. The Venetian Government turned down a request by the Xmacan Government to have diplomatic immunity waived, and members of the Ambassador’s family departed from Xmaca three days after the Ambassador’s death.

Consider the issues of International Law which arise on the facts of this incident. In light of this incident, do you believe the Vienna Convention on Diplomatic Privileges and Immunities should be revised? (10 marks).

(b) The year is 2015. The General Assembly of the United Nations has passed a Resolution on Civilized Conduct, by a vote of 199 States for, 1 against, with no abstentions. The Resolution specifies that “International Law prohibits the implementation of the death sentence by any State against individuals as punishment for crimes committed”. You are an adviser to the Government of Killington, the only country which have voted against the Resolution. Over the past 52 years, Killington has persistently maintained its “enthusiastic support for the death penalty”. Advise Killington whether it will be legally bound by the Resolution on Civilized Conduct (10 marks).

**QUESTION TWO**

Critically discuss the exceptions to the rule against the use of force enshrined in Article 2 (4) of the United Nations Charter (20 marks).

**QUESTION THREE**
Public International Law is ineffective in many respects and hence it should be considered as moral not legal rules. Critically discuss this statement (20 marks).

QUESTION FOUR

The traditional methods by which states acquired title to territory are no longer useful in contemporary Public International Law. Critically discuss this view by assessing (a) the traditional methods (b) the modern methods of title acquisition (20 marks).

QUESTION FIVE

Critically evaluate the main issues of Public International Law that have arisen with respect to the development of the International Criminal Court (20 marks).

QUESTION SIX

Explain the details and the outcome of the following cases:

(a) North Sea Continental Shelf Cases (7 marks).
(b) The Anglo-Norwegian Fisheries Case (7 marks).
(c) The Caroline Incident (6 marks).

QUESTION SEVEN

(a) Explain the main rules set out in the 1961 Vienna Convention on Diplomatic Relations (14 marks).
(b) Using well reasoned arguments, explain if the Vienna Convention is in need of revision (6 marks).

QUESTION EIGHT

(a) Outline the evolution of rules on the protection of human rights, with special reference to the United Nations (10 marks).
(b) What are some of the main rules set out in (i) the International Covenant on Civil and Political Rights and (ii) the International Covenant on Economic, Social and Cultural Rights? (10 marks).

END OF QUESTION PAPER