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Family Name					
Given Name/s					
Student Number					
Teaching Period	Semester 2, 2018				

LWA321 – Public International Law	DURATION	
	Reading Time:	20 minutes
	Writing Time:	120 minutes
INSTRUCTIONS TO CANDIDATES		
<p>The examination has 3 sections.</p> <p>Section A: Answer 5 questions worth a total of 10 marks - Marks for each question are of equal value</p> <p>Suggested Time: 25 minutes</p> <p>Section B: One compulsory question, worth 25 marks</p> <p>Suggested Time: 50 minutes</p> <p>Section C: Answer ONE essay question, worth 25 marks</p> <p>Suggested Time: 45 minutes</p> <p>Total marks for this examination: 60</p>		
EXAM CONDITIONS		
<p><u>You may begin writing from the commencement of the examination session.</u> The reading time indicated above is provided as a guide only.</p>		
This is an OPEN BOOK examination		
Any calculator is permitted		
Any handwritten material is also permitted		
Any hard copy, English dictionary is permitted (annotated allowed)		
ADDITIONAL AUTHORISED MATERIALS	EXAMINATION MATERIALS TO BE SUPPLIED	
Any printed material with the exception of CDU Library books	1 x 20 Page Book	

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DOUBLE-SIDED.**

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LEFT BLANK.**

SECTION A

Answer five (5) out of ten (10) questions. Refer very briefly to legal authority where necessary. Limit your answer to each selected question to no more than a few lines only.

Each question is worth two marks. Suggested time allocation for this Section: 25 minutes.

1. What is the distinction between “ratification” and “accession”, when it comes to treaties? (2 Marks)
2. *In what situation would acts of insurrectional movements be attributed to the state?* (2 Marks)
3. Describe “innocent passage”. (2 Marks)
4. *What are the primary elements of statehood?* (2 Marks)
5. What does Article 38(1) of the ICJ Charter enunciate? (2 Marks)
6. *What is the “precautionary principle”?* (2 Marks)
7. Very briefly, list the subject matter of the four Geneva Conventions (2 Marks)
8. *Explain very briefly the terms “ratione personae” and “ratione tempore”.* (2 Marks)
9. In simple terms, how can a matter come before the ICJ? (2 Marks)
10. *In simple terms, how can a matter come before the ICC?* (2 Marks)

(Total number of marks for this Part: 10 Marks)

SECTION B

This Question is COMPULSORY. There is only one Question in this Section.

Suggested time allocation for this Section: 50 minutes. Section B is worth 25 marks

Question 11.

South Oodnagarbi is a small sovereign state which emerged after the break-up of the former Greater Oodnagarbi. It is currently ruled by the National Disciplined Democratic Party (NDDP), a despotic association of military and ex-military officers. Members of the NDDP are all of the Heckawi tribe, whose tribal lands are generally in the north and across the border into the former Greater Oodnagarbi. There is an alleged illegal opposition group, the People's Front Freedom Fighters (PFFF), who are of Iardarno ethnicity. The Heckawi who have a cattle-owning tradition, have been at war on and off with the Iardarno, who traditionally grow ornamental flowers and grape vines, for generations. Tensions have worsened recently as a severe drought has set in, and there is neither enough water nor enough land to support both tribal groups.

In January 2014, the PFFF initiate open rebellion against the harsh NDDP regime when a secret codeword 'Harvest-time' is broadcast on the national radio system. The PFFF occupy and sack government buildings and NDDP offices, execute members of the NDDP government and then commence a campaign to largely cleanse South Oodnagarbi of the Heckawi. They do this by searching villages and seizing property belonging to Heckawi families. Men and boys over the age of 15 are killed. Children under 15 are removed to special camps, called 'Purification Orphanages,' where they are trained to spurn their Heckawi heritage and assimilate to the Iardarno culture.

These actions are carried out by order of Imda Bossmann, the self-styled 'President' of the PFFF, who wants the remaining Heckawi to work as unskilled underclass performing the menial tasks while the Iardarno run the country and leisurely tend their ornamental flower crops and grape vines.

Heckawi women under 40 are taken to separate camps, under the control of the Committee Against Vice. Especially attractive young girls are taken to a camp commanded by Captain Arpper. When they arrive, each guard selects the girl of his choice, under Captain Arpper's supervision, to service him sexually. Often the guards quickly tire of the girls, and swap them among themselves for 'a bit of variety.' On one occasion, Captain Arpper overheard a guard called Private Louwerr offer to sell his current girl to a friend for four hundred shekels so that he (Louwerr) could cover last night's gambling debts.

Captain Arpper is not interested in the goings on of his men. He has only ever seen one girl who took his fancy – he took her out of the group on arrival and moved her to his personal quarters. He says that because she has never tried to run away, she clearly wants to be with him.

Throughout the PFFF campaign, a radio personality called Alan, popularly known amongst the Iardarno as the 'Voice of the People,' continues to broadcast, directing PFFF forces to the remaining hamlets of Heckawi people

and encouraging them to complete their task quickly so that the Iardarno can begin to plough and plant their ornamental flowers and tend their grape vines for the next season in a largely purified country.

What international legal principles apply in this scenario?

AND

How might international criminal law apply to:

- a. President Bossmann of the PFFF;
- b. Captain Arpper;
- c. Private Louwerr; and
- d. Alan?

(25 Marks)

SECTION C FOLLOWS ON THE NEXT PAGE

SECTION C

Answer ONE (1) out of the following three (3) essay questions.

DO NOT attempt a question which covers similar ground to that in your assignment for this unit.

Suggested Time Allocation for this Section: 45 minutes. Section C is worth 25 marks.

Question 12.

“The much-heralded ‘right of self-determination’ in customary international law can all too easily run headlong into conflict with the fundamental principle of state sovereignty. A right of self-determination is being extended to permit secession.”

Discuss in the context of recent attempts by minority groups to exercise their right to self-determination. In your discussion include your views on the circumstances in which self-determination can be justified and exercised.

Question 13.

United States President Trump has recently announced the creation of another arm of the US Military – a “Space Force”. Can he do so under current international law and, if so, what might be the constraints on its sphere of operation? Where possible, cite authorities to justify your position.

Question 14.

Can foreign military intervention in Syria be justified under international law in what was initially essentially a domestic conflict?

If so, which foreign intervention group may have the stronger justification? If not, which foreign intervention group may have committed the greater violation of international law? Cite authorities to justify your position.

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