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

LWZ212 – Transnational Law	DURATION	
	Reading Time:	20 minutes
	Writing Time:	120 minutes

INSTRUCTIONS TO CANDIDATES

Section A: 10 marks - Marks for each question are of equal value

Suggested Time: 20 mins

Short Answer Questions: Answer BOTH questions.

Section B: 25 marks

Suggested Time: 50 mins

Short Essay Questions: Answer ONE question only (EITHER Question 1 OR Question 2)

Section C: 25 marks – Marks for each part are of equal value

Suggested Time: 50 mins

Short Problem Question: Answer BOTH parts (a) and (b).

Total marks for this examination: 60

EXAM CONDITIONS

You may begin writing from the commencement of the examination session. The reading time indicated above is provided as a guide only.

This is an OPEN BOOK examination

No calculators are permitted

Any handwritten material is 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

2 x 16 Page Book
2 x Scrap Paper

**THIS EXAMINATION IS PRINTED
DOUBLE-SIDED.**

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LEFT BLANK.**

Section A

Short Answer Questions

Total No of Marks for this Section: 10

This section should be answered in the Answer Booklet provided.

Answer BOTH questions.

Marks for each question are indicated. Suggested time allocation for Section A: 20 mins

Question 1

Define the *lex mercatoria* under transnational law.

(Marks: 5)

Question 2

Outline the internationally recognised grounds of jurisdiction.

(Marks: 5)

Section B

Short Essay Questions

Total No of Marks for this Section: 25

This section should be answered in the Answer Booklet provided.

Answer EITHER Question 1 OR Question 2.

Marks for each question are indicated. Suggested time allocation for Section B: 50 mins

EITHER

Question 1

Evaluate the effectiveness of Australian law and policy in providing protections for human trafficking victims accused of committing a crime.

(Marks: 25)

OR

Question 2

Analyse the transnational and domestic responses to environmental disaster. Where appropriate, refer to the Montara Oil Spill case study to illustrate your answer.

(Marks: 25)

Section C

Short Problem Question

Total Number of Marks for this Section: 25

This section should be answered in the Answer Booklet provided.

Answer both parts (a) and (b).

Marks for this question are indicated. Suggested time allocation for Section C: 50 mins

Question 1

Ahmed is a 40 year old career military officer from Damascus, Syria who is seeking asylum in Australia. Syria is in the midst of civil war and it is estimated that 20% of the population has been displaced. UN High Commissioner for Refugees, António Guterres, warned the United Nations Security Council today that without an end to the fighting soon, almost half of Syria's 20.8 million people could be in need of humanitarian help by the end of this year.

In his interview for asylum, Ahmed described being in the Syrian government's army. He was in charge of a battalion which launched a bombardment attack on a neighborhood in Aleppo six months ago because he had received intelligence that armed insurgents were hiding in the houses. Ahmed was instructed to "terrorize the people into giving them up". The majority of the civilian housing was destroyed and 30 civilians, including 15 children, were killed. Those who survived were forced to leave the area without provision of food, medicine, or shelter, and the dam which provided drinking water was destroyed by cluster bombs.

This marked a turning point for Ahmed. He claims that he suffered a moral crisis and escaped the day after the action, and reached rebel-held areas in the North. He then volunteered for a group affiliated with the Syrian Islamic Front ("the Front") and was given the task of securing access of humanitarian agencies delivering food, water, and medicine to the areas under the control of the Front. He spent the past three months interacting with Australian aid agencies operating from across the border. As the violence increased, the Front encouraged him to seek asylum abroad.

"You will be in a better position to help us if you can gather support abroad!" they told him. "If you stay here, Assad's army will kill you!". He claims to be afraid of being targeted as a deserter and traitor - "I

cannot go back now, that will be the end of me!” , he stated. Ahmed states that he believes in the right of the Syrian people to resist oppression - that they are engaged in legitimate struggle against authoritarian rule and that his assistance seeks to support their human rights. He is worried that without humanitarian aid, the people will be massacred by Syrian forces in conjunction with Hezbollah elite troops, the Iranian Revolutionary Guard, and Iraqi Shiite militias. He seeks to inform the world about the real situation on the ground through a public campaign and help Australian humanitarian agencies in planning the delivery of humanitarian aid to the region.

The Syrian government has sent a letter to the Australian Attorney-General of Australia explaining that they consider Ahmed to be lying. The Syrian government suggests that Ahmed is actually a member of Jabhat al-Nusra. It put in a formal application for Ahmed to be extradited back to Syria to face charges of murder and criminal damage. Further, the Syrian government warns that Australian aid is actually being diverted to strengthen the extremist actions against the Syrian government.

The Australian aid agencies confirm that Ahmed assisted them on the ground and Australian intelligence states that there is no direct evidence linking him to Jabhat al-Nusra but that it may be possible to conduct further investigation/surveillance should he receive asylum. There are reports from the Reuters news agency confirming that deserters have been shot.

Answer the following questions:

- (a) Advise Ahmed whether he is a refugee according to the 1951 Convention on the Status of Refugees.

(Marks: 12.5)

- (b) Advise Ahmed in relation to Syria’s extradition application.

(Marks: 12.5)