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NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SEMESTER II EXAMINATIONS – SUMMER 2000

**LL.B. – SECOND, THIRD & FOURTH YEARS
OCCASIONAL STUDENTS**

PUBLIC INTERNATIONAL LAW (LW323)

**Professor C. Warbrick
Mr. D. Driscoll**

Time Allowed: **THREE** hours. Erasmus students may use a language dictionary.

Please answer **FOUR** questions. Erasmus students may answer **THREE** questions.

1. Write a critical commentary on the functions of a Legal Division of a Foreign Ministry.
2. *“(T)here continues to be a division within the international legal community regarding anticipatory self-defense. Nevertheless, it is also clear that there are a great many States that take the counter-restrictionist view and support the proposition that in certain circumstances it may be lawful to use force in advance of an actual armed attack. Even though it may not be an established consensus in support of the permissibility of anticipatory self-defense, there is certainly not a consensus opposed to it.”*

Discuss.

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3. Distinguish the constituent elements of customary international law. In your opinion, which element is more difficult to establish in order to determine the existence of a rule of international law?
 4. Wei Su is the Legal Adviser to the Foreign Ministry of Kowtoon. He has asked your law firm to write a memorandum on the issue of the acquisition of territory in the case of sparsely populated areas, and he intends to visit the firm shortly to discuss the issue. Colleagues at the firm are aware of your own knowledge of international law, and they ask you to brief Mr Su about the significance of whatever international judicial decisions may be relevant to the issue.

Advise Mr Su.

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5. Briefly describe the legal regime with regard to **TWO** of the following concepts:
- (a) the diplomatic bag;
 - (b) the inviolability of the diplomatic mission;
 - (c) the inviolability of the diplomat.
6. To what extent does the International Convention for the Suppression of Terrorist Bombings use the other global terrorist conventions as a model for its own distinct legal regime?
7. *"International society is not an unchanging entity ... New States are created and old units fall away. New Governments come into being within States in a manner contrary to declared constitutions ... Each of these events creates new facts, and the question that recognition is concerned with is how far legal effects should flow from such occurrences ... Recognition involves consequences both on the international plane and within municipal law."*

Discuss.

8. *"State responsibility covers many fields. It includes unlawful acts or omissions directly committed by the State and directly affecting other States ... The State may also incur responsibility with regard to the activities of one of its officials injuring the national of another State, and this activity need not be one authorised by the authorities of the State."*

Discuss.