

NATIONAL UNIVERSITY OF IRELAND, GALWAY  
FACULTY OF LAW

SUMMER EXAMINATIONS 1998/99

LL.B. - SECOND, THIRD & FOURTH YEARS  
OCCASIONAL STUDENTS

PUBLIC INTERNATIONAL LAW (LW323)

Professor C. Warbrick  
Mr. D. Driscoll

Time allowed: **THREE** hours.

Please answer **FOUR** questions. ERASMUS students answer **three** Questions.

1. Under what circumstances, if any, may a State use military force if it has not itself been the victim of an armed attack?
2. Because of an upsurge in terrorist attacks, the U.N. Secretary General places the issue of cooperation concerning international terrorism on the agenda of the next General Assembly session. Your Foreign Minister decides to make a speech to the General Assembly proposing measures to deal with the problem. She asks you for a memorandum on the significance of the measures adopted in the past and also your opinion on additional measures that would prove of value.

Advise her.

3. *"...It is agreed that rules of customary international law are created by (or can be inferred from) the practice of States, but what constitutes State practice for this purpose? How frequent, prolonged and widespread must the practice be? How consistent must it be? Does it need to be accompanied by opinio juris, and, if so, what exactly is opinio juris? These questions ...all ... raise very controversial issues...."*

Discuss.

4. Under what circumstances will the responsibility of a State be engaged by the acts of private persons?
5. Juan, a Colombian diplomat, is returning from his summer holidays and is passing through Customs Control at Dublin Airport. He has in his possession two suitcases as well as a box marked 'Government of Mexico'. Customs officials have reason to believe, based upon information from intelligence sources, that he is carrying heroin in the suitcases as well as in the box. They demand that he open all the items in his possession, and he refuses.

Mary, the officer in charge at Customs Control, telephones the Legal Division of the Department of Foreign Affairs and requests advice as a matter of urgency. You have been requested to advise Mary as to the appropriate rules of diplomatic law governing the issues.

Advise Mary.

6. Write a commentary on the rules relating to the invalidity of treaties under international law.
7. Trace the history of the international law relating to the development of the continental shelf.
8. *"Whether a new claimant to Statehood really is in fact a State depends upon its fulfilment of the minimum requirements for acceptance as a State. The classical formulation of the requirements for Statehood is set out in Article 1 of the 1933 Montevideo Convention [on Rights and Duties of States]. The requirements are these: (a) a permanent population; (b) a defined territory; (c) a stable and effective government; and (d) independence."*

Discuss **ANY TWO** requirements and explain what difficulties have arisen concerning them.