

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications :-

B.A. B.Sc.

Laws C2: Public International Law

COURSE CODE : **LAWSC002**

UNIT VALUE : **1.00**

DATE : **09-MAY-02**

TIME : **10.00**

TIME ALLOWED : **3 hours 15 minutes**

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TURN OVER

PUBLIC INTERNATIONAL LAW

May 2002

Time allowed: Three hours and fifteen minutes.

Candidates may bring into the examination and use copies of Blackstone's *International Law Documents and* the two volumes of Supplementary Materials distributed in connection with this course.

PUBLIC INTERNATIONAL LAW

Answer **FOUR** questions, including at least one question from **PART A** and at least one question from **PART B**.

PART A

1. "Once custom has been reduced to writing it is no longer truly custom at all. The words used in codifying articles are no longer merely descriptive of the law; they are the law, or at least purport to be the law."

Discuss, illustrating your answer with examples.

2. How are treaties implemented and interpreted in the United Kingdom?
3. "The application of international law to air space and outer space is no different in principle from its application in the law of the sea."

Discuss.

4. Section 3(1) of the Human Rights Act 1998 provides that: "So far as it is possible to do so, primary legislation and secondary legislation must be read and given effect in a way which is compatible with the Convention rights."

Comment on the effect which this new provision will have against the background of the general rules of English law regarding the effect of treaties in English law. To what extent will it affect the approach taken by English courts to the European Convention on Human Rights?

5. What mechanisms exist under public international law in order to resolve peacefully disputes between States? Assess their contribution by discussion of one or more examples.

PART B

6. The "Crystal-Blowers" are members of a UK cult, governed by a Supreme Council, which seeks to enhance awareness of the supreme being by all available means, including use of concoctions of plants and herbs to induce altered states of consciousness. The cult has recently advocated dissemination of these concoctions in the water supply and, in powdered form, through ventilation systems and by doctoring food in supermarkets. Because of the threat that these policies may actually be implemented, the United Kingdom Parliament passes the Cult Restriction and Public Order Preservation Act 2004, empowering the Government to take "all appropriate measures" to deal with the increasing number of people who have joined the cult. The Government proposes to use these powers to prohibit membership of the cult and to place any crystal-blower in long-term "protective" detention when detected in an altered state of consciousness.

Advise the Supreme Council of the Crystal-Blowers on substantive and procedural implications of the 2004 Act in the context of the international human rights obligations of the United Kingdom.

TURN OVER

7. Legislation has been passed in Alpha giving the government powers to make Orders in Council regulating use of the internet and world wide web and in particular to prevent and prohibit dissemination of material for promotion of terrorism, corruption of morals or otherwise offensive to public taste and decency provided that any such Order conforms to Alpha's obligations under international law.

The government of Alpha is preparing an Order which would:

- (a) prohibit displaying, making available or accessing in Alpha any web page advocating, promoting or facilitating terrorism or giving instructions or guidance for performing an act of terrorism;
- (b) require any person in control of a server wherever located to preclude access in Alpha or by any citizen of Alpha to any web page described in paragraph (a) above; and
- (c) require any person in control of a server wherever located to remove from all browser directories that are accessible in Alpha both:
 - (i) index headings containing references to terrorist organisations named in a schedule to the Order, and
 - (ii) any hypertext links to pages of, or references to, such named organisations.

Advise the government of Alpha on any issues of jurisdiction that may arise in connection with the draft Order and on compliance with the legislation's requirement of compliance with international law. Alpha has a constitution and legal system identical to that of the United Kingdom.

8. The States of Hafpanistan, Waztralia, and Nannonia are all neighbouring States. The State of Hafpanistan organised and trained persons who carried out a terrorist attack against a military base of the State of Waztralia that was located in Nannonia. The attack took place at night when the terrorists entered Nannonian territory under cover of darkness. After the attack, the terrorists returned to their bases that were located in Hafpanistan. This attack on the Waztralian military base resulted in 2000 members of the Waztralian armed forces being killed. Public opinion within Waztralia wants a military response to be taken in response to the terrorist attacks.

You work as an international law adviser in the Waztralian Ministry of Defence, and have been asked to advise on what are the lawful military options available to Waztralia.

Please advise.

END OF PAPER