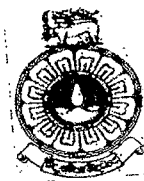


**THE OPEN UNIVERSITY OF SRI LANKA**  
**FACULTY OF HUMANITIES AND SOCIAL SCIENCES**  
**DEPARTMENT OF LEGAL STUDIES**  
**LL.B DEGREE PROGRAMME - LEVEL 5**  
**FINAL EXAMINATION-2022/2023**  
**PUBLIC INTERNATIONAL LAW- LLU5712/LWU3315**  
**DURATION- 3 HOURS**



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**Date: 23.03.2024**

**Time: 09.30a.m. – 12.30 p.m.**

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**Answer any FIVE (05) questions only.**

**Candidates will be penalized for illegible handwriting.**

1. After the terrorist attacks that took place on 11<sup>th</sup> September 2001 in Washington, D.C, United States, the UN Security Council in its 4370th meeting adopted the Resolution 1368 reaffirming the principles and purposes of the Charter of the United Nations. It determined to combat by all means threats to international peace and security caused by terrorist acts and recognized the inherent right of individual or collective self-defence in accordance with the Charter.

Assume that you are a law student who is asked to write an analysis on the topic of **‘countries’ inherent right of individual or collective self-defence in accordance with the Charter of United Nations’**. Your analysis should be validated by relevant legal authorities and contemporary developments in international law.

**(20 Marks)**

2. Determine the legal validity of the statements below with relevant legal authorities.

- (a) As a subject of international law, international organizations have a legal personality implied by the United Nations Charter.

**(10 Marks)**

- (b) The United Nations recognizes the diplomatic process for settling international disputes amongst its member states.

**(10 Marks)**

**(10 + 10 = 20 marks)**

3. Payal, a national of State Zombia works on migrating people from the neighbouring countries, State Bunga and State Linlang to different developed countries in the world. Both State Bunga and State Linlang are facing internal armed conflicts and associated severe economic crises in their territories. Recently, the developed State Shine reported that it rescued 27 women who were nationals of the States of Bunga and Linlang in its national operation to combat human trafficking. According to the investigation conducted on this matter, they had been migrated from their respective countries to State Shine by Payal, without a safe-regular-legal process for migration. It is also reported that these 27 women are degree holders in the field of computer science and they had been migrated by obtaining ransom funds and promising employment opportunities in the information technology sector. However, after reaching State Shine, the passports of these 27 women were seized by the agents of Payal and they were forced to work as sex workers for more than 18 hours without adequate meals and sleep. In this context, State Shine claims that the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation amount to the criminal offence of human trafficking according to its law. The State Shine further requests State Zombia to provide its cooperation to combat this crisis. State Zombia responds to this request stating that Payal is on the wanted-criminals list of its territory for human trafficking.

Considering the above situation, discuss the arising jurisdictional bases for respective countries and their legal grounds. Your discussion should be validated by relevant legal authorities.

**(20 Marks)**

4. Sri Lanka as a State which respects international law and its treaty obligations, has ratified all the main United Nations International Human Rights Conventions. These main Conventions include International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC),

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (ICMW), Convention for the Protection of All Persons from Enforced Disappearance (CED) and Convention on the Rights of Persons with Disabilities (CRPD).

Select **any TWO (02)** of Conventions mentioned above and critically analyse how they have been absorbed into the Sri Lankan legal system and to what extent Sri Lanka has succeeded in respecting and implementing its treaty obligations arising from the selected conventions.

**(20 Marks)**

5. Aloka, Booloka, Divyaloka and Citara are neighbouring States which share a strip of the sea called 'Nanga'. These countries followed a demarcated practice to use and utilize the Nanga which is more than eighty years old. According to this practice, in a year, every country gets a turn of three months to use and utilise Nanga for traditional fishing. The allocation of months and the limitation of traditional fishing were never breached by fishermen from any of these countries. Until 2020 there was a harmonious practice and relationship among all four States and their fishermen. From 2020, Citara which was receiving its turn in the last three months of every year started objecting to this practice stating that the climate change impacts were not favourable to the fishing. Further, Citara stated that considering the fewer natural resources in its territory the sea resource should be only allocated to them. As a result of the economic crisis encountered by these four countries after the global pandemic, the fishermen in the respective countries started creating conflicts in taking turns in fishing and these conflicts led to the reported crimes of physical violence. Considering the situation, States Aloka, Booloka, and Divyaloka are now willing to demarcate the use and utilization of Nanga under the legal process of international law. However, Citara, refuses to join this process and documents its objection to share the Nanga equally. Citara claims that it has been a persistent objector to this practice from 2020.

Assume that all four States are members of the United Nations.

- (a) Advise States Alooka, Booloka and Divyaloka on available rules and principles of international law that could be utilised in dividing the rights over Nanga among all four States.

**(15 Marks)**

- (b) In the same judicial process of dispute settlement, would you think that Citara could successfully object the equal distribution of Nanga?

**(05 Marks)**

**(15 + 5 = 20 Marks)**

6. While the Vienna Convention on Diplomatic Relations of 1961 laid down the immunity granted for diplomats, the law with respect to consuls (i.e., those embassy personnel concerned with administrative matters, protection of commercial interests of the sending state, and the issuance of visas), is covered in the Vienna Convention on Consular Relations of 1963.

- (a) In light of the above quotation, critically discuss the convergences and divergences in immunity shared by diplomats and consuls. Your comparative analysis should be supported by relevant examples.

**(12 Marks)**

- (b) 'Diplomatic immunity is not, however, absolute' - Do you agree with this statement? critically examine by extracting examples from the Vienna Convention on Diplomatic Relations of 1961 and the adequate legal authorities.

**(08 Marks)**

**(12 + 08 = 20 marks)**

**Questions number 7 and 8 should be discussed based on the following facts:**

State A and B are neighbouring coastal countries. Both States are parties to the 'International Convention on Eliminating Plastic' concluded in 2022. State B became a member of this Convention subject to the condition that Article 11 of the 'Global Plastic Management Index' should not be applied to it. However, it was pointed out during the process of drafting the Convention that the Global Plastic Index would be a

measure to meet the objective of the Convention. To give effect to the ratified Convention State A had passed national legislation to prevent plastic pollution in its jurisdiction including provisions on single-use plastic production. However, in the Global Plastic Management Index published under the Convention in 2023, State A obtained a lower rank due to the pollution caused by plastic in its marine areas. State B was not included in the survey for ranking as per its request.

A recent report published in 2024 by the collaboration of the National Environmental Authority and the National Scientific Foundation of State A found the following;

- 87% of the marine area of State A is polluted by plastic waste. It highlights that the plastic bottles gathered in the marine areas had the production symbol of State B. The study further reveals that this plastic waste had passed through the water borders.
- It is also found through the coastal border investigations that the majority of the plastic waste found in the marine area of State A was plastic waste dumped by State B in its ocean border.
- According to the study, the seafood that is consumed in State A contains microplastic particles and they should be immediately contaminated to avoid the potential health hazard to the general public. The risk of consuming such seafood exposes an increasing rate of health issues including lung cancer, birth defects, and cancer.
- It is to be noted that seafood is the predominant food and associated with livelihood culture of State A.

Both States A and B are members of the United Nations.

7. In the light of given situation, discuss the application of 'International Convention on Eliminating Plastic' on the respective States under the Vienna Convention on Law of Treaties 1969. Your answer should refer to relevant examples.

**(20 Marks)**

8. In the given context, if the State A decides to file a legal action for the cross border environmental pollution by State B under the legal framework of International Law,

discuss the possibility in imposing accountability on State B. Support your answer with relevant legal authorities.

**(20 Marks)**

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