

THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME – LEVEL 5

1<sup>st</sup> ASSIGNMENT TEST – 2008 / 2009

**INTERNATIONAL LAW – LWU 3315 / 4335**



DURATION - 40 minutes

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Date: 15<sup>th</sup> October 2008

Time: 11.30 a.m. – 12.10 p.m.

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Illegible handwriting will be penalized.

Answer **one** question only.

1. (a) Comment on the proposed compromise between the monist and dualist schools by Sir Gerald Fitzmaurice. (8 Marks)
- (b) The State of Tutu is a developing country and it is confronting a serious war situation. In 2005 Tutu ratified the International Markipolo Convention on the Elimination of All Forms of Human Rights Violations, which comprised high human rights standards. Mr. Thompson who has undergone many human rights violations during this war period by Tutu's governmental authorities claims relief under this Convention.

Assume that Tutu's constitution is similar to the 1978 Republican constitution of Sri Lanka.

Advise Mr. Thompson.

(12 Marks)

2. "...general reason for the demotion of custom is that the membership of the world community is far larger than in the heyday of international customary law (in the space of one hundred years the number of States has risen from about 40 to nearly 200). Even more important, members of the world community are deeply divided economically and politically. It has, therefore, become extremely difficult for general rules to receive the support of the bulk of such a large number of very diverse States. By the same token, it is nowadays exceedingly difficult to ascertain whether a new rule has emerged, for it is not always possible to get hold of the huge body of evidence required".

Cases and Materials on International Law, D.J.Harris, 6th Ed (2004), at p 41-42.

Critically evaluate the above statement in the context of the elements of customary international law and the massive presence of developing states in the international arena. (20 Marks)

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