

THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME – LEVEL 5

SECOND CONTINUOUS ASSESSMENT TEST 2008/2009

INTERNATIONAL LAW – LWU 3315 / 4435

DURATION - 40 MINUTES



Date: 11th December 2008

Time: 11.30 a.m. – 12.10 p.m.

Students will be penalized for illegible handwriting.

Answer **ONE** question only.

1. The legal regimes applicable to special territories are exceptions to the general rules governing acquisition of territories. Select any two of the following. Consider how the special rules applicable to those differ from the general rules:

- Polar Regions;
- Air and Outer Space;
- Rivers and Canals;

Substantiate your answer drawing evidence from international treaties, case law from both international and domestic tribunals if any.

2. “It is more in keeping with the dignity of a foreign sovereign to submit himself to the rule of law than to claim to be above it, and his independence is better ensured by accepting the decisions of courts of acknowledged impartiality than by arbitrarily rejecting their jurisdiction. In all civilized countries there has been a progressive tendency towards making the sovereign liable to be sued in his own courts... There is no reason why we should grant to the departments or agencies of foreign Governments an immunity which we do not grant our own...”

Lord Denning, in *Rahimtoola v Nizam of Hyderabad and another*, [1958] A.C 379 at p.418.

Critically analyze this statement. Support your answer with decided cases.

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