



Examiner's Comments
23 PUBLIC INTERNATIONAL LAW
September 2025 Examinations

The exam comprised of four questions. Candidates were required to answer all four questions. The questions were of equal value (20 marks each).

General observations

1. As in past examinations, all topics in the Legal Profession Admission Board's examinable curriculum were covered in the examination questions, including the topic "Public international law and municipal law" which was the focus of the compulsory assignment. Accordingly, it was imperative that students, in their examination preparation, covered the full range of Prescribed Topics: Scope of public international law (topic 1); Sources of public international law (topic 2); Public international law and municipal law (topic 3); State jurisdiction (topic 4); Immunity from jurisdiction (topic 5); and State responsibility (topic 6).
2. It was the expectation of the examiner that students would be conversant with the material covered in the lectures and weekend schools in the Law Extension Committee's teaching program together with the commentary in the Law Extension Committee's subject guide (which incorporates the Legal Profession Admission Board's examinable curriculum and case, statute and treaty list) and the academic literature, decided cases, statutes and treaty provisions in the Supplementary Materials, the Public International Law Materials and modules (posted on canvas).
3. Twenty-nine students completed the examination. Final marks were in the range 66% to 86%. One student was awarded a High Distinction grade, sixteen students were awarded a Distinction grade, and twelve students were awarded a Credit grade. The final marks and grades were consistent generally with past examinations.
4. As the examination was a confidential examination, these comments can identify only in general terms the issues in the questions.

The examination questions

The examination comprised four questions worth equal marks. Students were required to answer all four questions. Individual questions included aspects of both problem-solving and critical analysis of contemporary issues in public international law as well as historical background and comparative material, such as customary international law in the United States and in Canada and the foreign act of state doctrine as applied by courts in the United States. As noted above, the questions covered the full range of Prescribed Topics. In this regard, as in past examinations, individual questions were not confined to a single topic and required consideration of issues from more than one topic. For example, one question required consideration of individual responsibility

for crimes against public international law (topic 1), the bases of state criminal jurisdiction and elements of crimes against public international law (topic 4) and immunity from jurisdiction (topic 5); another question required consideration of the sources of public international law (topic 2) and the relationship between public international law and municipal law (topic 3); and another question required consideration of immunity from jurisdiction (topic 5) and state responsibility for harm to foreign nationals (topic 6).

The questions generally were well answered with all students demonstrating a sound understanding of the theory and practical application of principles of public international law in a problem-solving context. Some students might have enhanced their answers to particular questions by including rough maps or diagrams of relevant geographical areas e.g. the concave North Sea coast considered by the International Court of Justice in North Sea Continental Shelf Cases (FRG v. Denmark; FRG v. The Netherlands) (1969); the indented west coast of Norway considered by the International Court of Justice in Anglo-Norwegian Fisheries Case (UK v. Norway) (1951); the extent of statutory criminal jurisdiction in respect of trawling in the Moray Firth considered by the High Court of Justiciary, Scotland in *Mortensen v. Peters* (1906); the high seas location relative to the coast of Turkey of the maritime collision considered by the Permanent Court of International Justice in Case of the SS Lotus (France v. Turkey) (1927-1928); the international maritime boundary of the United Kingdom considered by the English Court of Appeal in *Post Office v. Estuary Radio* (1968); and the location of the maritime incident relative to the coast of England considered by the Court for Crown Cases Reserved in *R v. Keyn* (1876) (the case of the *Franconia*).