

Legal Profession Admission Board

October 2024

Public International Law

Examiner's comments

General observations:

1. As in past examinations, all topics in the course 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; Sources of public international law; Public international law and municipal law; State jurisdiction; Immunity from jurisdiction; and State responsibility. Although this examination included a limited choice of questions (see below), students should not take this as an indication of the format of future examinations which may, as in past examinations, provide no choice of questions.
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 and the academic literature, decided cases, statutes and treaty provisions in the *Supplementary Materials*, the *Public International Law Materials* and the class handouts (posted on canvas).
3. Twenty students completed the examination. Final marks were in the range 67% to 85%. Fifteen students were awarded a Pass Distinction grade, and five students were awarded a Pass Merit grade. The final marks and grades were consistent generally with past examinations.
4. As the examination was a confidential examination, these comments cannot identify or discuss the specific issues in the questions.

Questions:

The examination comprised five questions worth equal marks. Students were required to answer any four questions. No question was compulsory. 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.

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. Although the questions generally were well answered with students demonstrating a sound understanding of the practical application of principles of public international law, students might have enhanced the clarity of 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); and the international maritime boundary of the United Kingdom considered by the English Court of Appeal in *Post Office v. Estuary Radio* (1968).