EXAM #_____

PUBLIC INTERNATIONAL LAW
FINAL EXAMINATION

William O. Hennessey 10 December 2007

DIRECTIONS:

This is a 1-hour examination worth 20% of the course grade. (1-1/2 hours for ESL speakers) Students are allowed to bring any materials they wish into the examination except a computer. Students are not allowed to discuss the questions with one another or ask assistance of one another during the examination. Nor should students "comment" or otherwise communicate with one another on the questions at any time during the examination. Answers should be written in an exam booklet. Do <u>not</u> put your name or any other identifying device on your exam booklet -- just your exam number. Do not write "Class of 09" etc. on the booklet. You should keep your answers BRIEF, but there are no page limitations. You only have one hour to answer two questions so limit each answer to 30 minutes of your time. Write on one side of a bluebook page <u>only</u>.

Select two (2) of the following three questions:

[1] In addition to binding states expressly by their own terms, international treaties may provide evidence of customary international law. Cite some examples among the cases we read for this course where this occurred, and explain what significance the treaties cited had for the outcome of the case.

[2] In *The Texaco/Libya Arbitration* case (p. 177) how persuasive (or unpersuasive) did the arbitrator find the various UN General Assembly resolutions it cited, and why?

[3] In *Eastern Airlines Inc. v. Floyd* (p. 64), explain the various steps the U.S. Supreme Court went through to interpret the meaning of the term "lésion corporelle" as it was used in the Warsaw Convention? To what extent is the Court's process of analysis similar to or different from the treaty interpretation process in Articles 31 and 32 of the Vienna Convention on the Law of Treaties. (pp. 935-936)