

PUBLIC INTERNATIONAL LAW  
FINAL EXAMINATION

William O. Hennessey

7 May 2003

*DIRECTIONS:*

*This is a 1-hour examination worth 25% 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. Electronic dictionaries are permitted. 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 not put your name or any other identifying device on your exam booklet -- just your exam number. Do not write "MIP" or "Class of '05." 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 only.*

Select two (2) of the following four questions to answer. (If you answer more than two, I will only read the first two you select.)

[1] What propositions does the Montevideo Convention (casebook p. 403) stand *for* and what propositions does it stand *against*? Please provide authorities for your answer.

[2] Explain what Caron means when he says "the process is the solution" on p. 598.

[3] Discuss the differences between the U.S. Supreme Court's majority opinion and the dissenting opinion on the significance of *United States v. Rauscher* to the outcome of *United States v. Alvarez-Machain* (casebook p. 210)?

[4] In *Filartiga v. Pena-Irala* (casebook p. 10), upon what specific authority did the U.S. Court of Appeals for the Second Circuit rely in accepting "subject matter" jurisdiction over a civil action for damages by a

Paraguayan national against another Paraguayan national for a tort committed in Paraguay? What standard of liability did the court apply and from what source did it derive that standard?