

POL 305, S18 Midterm, Dr. Hashimoto: *This midterm examination is to be taken alone by you, without anyone's help. You may use any and all sources other than another live human being, but your course texts and my lecture notes (see my website) will be sufficient. The exam is due at 11:59 pm on Friday March 23 and 5 percentage points will be deducted for every hour that it is late. I would prefer it if you would type your answers in a file that is 11 pt, single-spaced, with 1-inch margins. You are free to write as much as you wish. Cite authors where necessary, cite the full names and years of treaties where necessary, and cite paragraph numbers in the linked document where necessary.*

Read the [linked](#) document, which contains the statement of agreed facts and the claims and counterclaims of two states, Anduchenca and Rukaruku, in a dispute before the International Court of Justice (ICJ).

- 1 Short answer, 7 points: The parties have standing before the court because they are members of the United Nations. But on what basis is the ICJ's jurisdiction founded in this case?
- 2 Short answer, 13 points: Imagine that the states are now going to write memorials which defend their claims for the court. Those claims and counterclaims are in Paragraphs 50 and 51 of the linked document. Please identify one place in Rukaruku's (as of yet unwritten) memorial where, in order to prove its case, Rukaruku *must* identify some sort of international obligation that is not found in an international agreement but is binding on Anduchenca. Identify *what specific source* of international law that obligation is most likely to be an instance of, remembering the classical division of sources that the ICJ "shall apply" according to Article 38 of its Statute.
- 3 Essay, 30 points: Imagine that I claimed the following: "By writing compulsory dispute resolution obligations (such as Article 10 of the FCN Treaty) into their treaties, states parties to a treaty increase the probability they will comply with their treaty obligations." How would you react to my claim, being an astute reader of our course's texts (including the article by Chilton and Tingley)?
- 4 Essay, 50 points: Assume that it is 1947 and you are one of the drafters of the FCN Treaty. What is the most persuasive argument you could have made to explain how Articles 6, 7, 16, and 17 would be enforced in the future?