
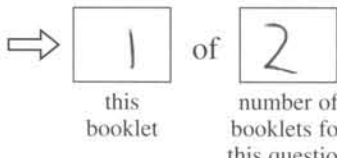


**2014** HIGHER SCHOOL CERTIFICATE
EXAMINATION

Examination

Legal Studies
Option 3

Instructions

- Write the question number you are answering in this box. 
- Write the number of this booklet and the total number of booklets that you have used for this question (eg: **1** of **3**). 
this booklet number of booklets for this question
- Write your Centre Number and Student Number at the top of this page.
- Write in black or blue pen (black is recommended).
- You may ask for an extra writing booklet if you need more space.
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b) The maintenance of world order is imperative for the peaceful co-existence of nation-states, this is ~~contrasted~~ with the right of states to exercise sovereignty, which may aid or impede the resolution of issues. The establishment of state sovereignty is linked to the United Nations Charter (1945), which states that sovereign nations have the capacity to control and govern their own territory and population. Thus creating the concept of state sovereignty, which refers to the right of a nation-state to have responsibility over its own internal affairs, without the interference of external factors or other nation-states. This ability has therefore established numerous issues in regards to world order, as the UN's and its organs are impeded by sovereignty. Similarly sovereignty may aid the creation of world order, as it affirms global interdependence and ensures that nations are able to manage their own affairs accordingly. Thus establishing state sovereignty as a controversial aspect of international law, as it directly impacts the successfulness of world order initiatives.

The presence of state sovereignty within the global community has in many aspects, promoted the developing relationship between nation-states and has assisted in establishing stable governments/economies.

Without the presence of sovereignty within the legal system the capacity of a nation's right to govern its population and borders would jeopardise the standards of world order. If nation-states were able to directly interfere with the every-day running of states, there would be a focus on maintaining power rather than peaceful relationships. Similarly the implementation of state sovereignty has ensured that nations have the capacity to promote global interdependence, as the strengthening of global industry and economy has occurred as a result of shared international relations. By placing the responsibility to determine the future development of ^{that} nation, there is an equal distribution of power within the global community. As the principle underlying the concept of state sovereignty, is that "all nation-states are equal", by ascertaining this the UN has ensured that no ~~power~~ world influence holds greater power than another. By implementing such a policy within the UN Charter, following WW2, the world was assured that regardless of population size, wealth or land mass, each nation that was recognised as sovereign held the right to manage their own affairs.

The positive consequences of state sovereignty in promoting world order and peaceful relations between states is also evident

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In regards to world order issues such as government powers and the nature of state relations. As by maintaining the centre of control within the nation-state, the interference of harmful forces is prevented. This is evident in regards to the 'War on Terror,' as ~~the~~ America's invasion of Iraq and Afghanistan threatened the state of world order following the events of 9/11. However by the Iraq and Afghanistan governments exercising their power to govern their own territories, the removal of foreign forces has gradually occurred as they have recognised that America's interference may be harmful to the state of affairs in the Middle East. Thus establishing state sovereignty as a particularly helpful concept that has the capacity to avoid world order implications.

However, there is distinct evidence suggesting that a state of world order may be disrupted by the implementation of state sovereignty. These repercussions can be identified in regards to the R2P doctrines, the International Court system and the protection of human rights issues. As the nation-states have the ability to ignore or prevent external interference, which may result in devastating effects upon the international



Tick this box if you have continued this answer in another writing booklet.

Start here. Community. The creation of the R2P (Responsibility to Protect) principle ~~was~~ occurred in response to the events within Bosnia and Yugoslavia in the late 1990's. This sparked international outrage, as the UN was failing at its role of maintaining a sense of world order and had allowed the occurrence of atrocious crimes against humanity. In order to prevent this from occurring again, the UN developed the R2P doctrine in 2005 to bridge the ever-widening gap between state sovereignty and the UN's responsibility to implement humanitarian law. Consequently the R2P principle was adopted as a means of providing humanitarian aid, in conjunction with political negotiation/persuasion or force if necessary to quell the efforts of the responsible nation. However the R2P doctrine can be identified as being particularly ineffective in offering adequate support and legal action to those states which are experiencing human rights violations or the dangers of warfare. This is predominantly due to the R2P doctrine being reluctant ~~to~~ in establishing areas of 'crisis', which is necessary to implement the resources of the principle. Additionally this reluctance has transferred to these member states of the UN who determine when and where to take action.

This is particularly evident in regards to the situation occurring in Syria as despite the occurrence of a civil war

mass starvation/famine and the threat of civilian deaths, action has not taken place by the UN. There are currently millions of refugees which have escaped the borders of Syria and are currently inhabiting ~~the~~ camps which are inadequate in the housing of these individuals. The UN has stated that "Syria is the greatest humanitarian crisis of this century"; however appropriate action has not taken place, due to the threats of the Syrian dictatorship which has inhibited external interference. Thus exemplifying the failings of ~~the~~ state sovereignty in establishing world order.

The implementation of International law is crucial in determining the conduct of nation-states, this has led to the creation of the International Court of Justice (ICJ) and International Criminal Court (ICC). These international courts have the role of prosecuting nation-states and individuals who are guilty of disturbing the maintenance of world order. The ICJ is primarily responsible for hearing cases that concern governments or nations which are guilty/suspected of committing crimes on an international scale e.g. war crimes, crimes against humanity. While the ICC has the responsibility to prosecute, governments, organisations and individuals who are involved in serious international crimes. However

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the successes of the courts is significantly impeded by the concept of state sovereignty as, nation-states have the capacity to refuse involvement in the court trial. Also they may ignore any rulings found by the courts investigation, regardless of whether they are guilty or not. Similarly, a state may withhold an individual from the ICC and refuse to have them trialled by the court. This is clearly evident in regards to the Russian and Ukraine conflict which identified the repercussions of state sovereignty as Russia and more notably President Vladimir Putin knowingly invaded the nation state of Ukraine and attempted to annex the area of Crimea. Subsequently economic and trade sanctions were put into place, however there was no prosecution of Putin and Russia for its violation of state security and the Geneva Conventions. This is predominantly due to the influence which state sovereignty obtains, as Putin refused to participate in UN proceedings.

Thus indicating that state sovereignty may involve both positive and negative consequences upon the maintenance and promotion of world order. As the capacity to govern its internal affairs, offers nation-states the ability to promote global interdependence or to violate international law without consequence. As state sovereignty may assist or impede the resolution of world order issues.

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