



PRELIMINARY EXAMINATION 2009

HISTORY 9731/8814/01

Paper 1: International History 1945-2000

Friday

21st August 2009

3 hours

READ THESE INSTRUCTIONS FIRST

1. Answer **four** questions.
2. You must answer Question 1 (Section A), and any three questions from Section B.
3. Begin each question on a new sheet of paper.
4. Fasten all your work securely together.

INFORMATION FOR CANDIDATES

All questions in this paper carry equal marks.

You are reminded of the need for good English and clear presentation in your answers.

This question paper consists of 5 printed pages (including this page & 1 blank page)

[BLANK PAGE]

Section A

You must answer Question 1

The Failure of ICJ in the Nicaraguan versus USA Case

1. Read the sources then answer the question.

Source A

Nicaragua was able to prove its allegations with evidence provided by Americans, ranging from statements made by the President to assertions by members of Congress, a former CIA agent, journalists, academics and human rights investigators. This gave Nicaragua an enormous litigating advantage over the United States. Indeed, Nicaraguan officials were able to attest to the nation's innocence of all wrongdoing. However the Court does not have the power to hear cases unless it involved the parties concerned, or the United States specifically agrees to jurisdiction by the Court.

Professor of Law in the '*American Society of International Law Journal*', 1987

Source B

The Court (ICJ) by twelve votes to three rejects the justification of collective self-defence maintained by the United States of America in connection with the military and paramilitary activities in and against Nicaragua.

By twelve votes to three, decides that the United States of America, by training, arming, equipping, financing and supplying the *contra* forces against Nicaragua, has breached its obligation under international law not to intervene in the affairs of another State.

By fourteen votes to one, decides that the United States of America, by failing to make known the existence and location of the mines laid by it in Nicaragua harbours has acted in breach of its obligations under international law.

Case judgment by the ICJ in June 1986

Source C

Because of its withdrawal from the case, the United States made no appearance in the proceedings before the court. Not surprisingly, the reaction of the US government to the Court's decision on the outcome of the Nicaragua vs. United States case was highly negative and dismissive. It announced that it would not abide by the judgment, vetoed subsequent proposed Security Council resolutions seeking to enforce the judgment, and continued to provide additional funds for the actions it has been accused of conducting against Nicaragua.

Adapted from '*The United States and the Rule of Law in International Affairs*', 2004

Source D

In 1998, compulsory jurisdiction had been accepted by 59 states, but their declarations often contain reservations excluding certain kinds of disputes, or disputes with certain states

The Court has had little immediate effect on peace and security. In more than 70 years of existence of the ICJ, the average yearly number of decisions made has not been more than two. None of these concerned the prevention or solution of an international conflict involving serious violence. More frequent use of the Court cannot be expected as most governments tend to consider the recognition of the compulsory jurisdiction of the Court as infringing on their sovereignty.

Adapted from 'The United Nations at the end of the 1990s', 1999

Source E

A still more fundamental problem concerns the lack of enforcement power available to the Court to secure compliance when it does make judgments. The Security Council can, under Article 94, "decide upon measures to be taken to give effect to "the judgments" of the Court, but has never done so. This leads to a situation where many deride the usefulness of bringing disputes to the Court, doubting, with some reason, not only whether the other government involved will accept jurisdiction in the first place, but whether it will comply with any judgment obtained.

From a book on the United Nations, 1979

Now answer the following question:

How far do Sources A-E support the view that the ICJ fails when its judgment involves finding a superpower as guilty?

Section B

You must answer **three** questions from this section.

2. To what extent were the Truman Doctrine and the Marshall Plan the major causes of the Cold War in Europe in the years 1945 to 1949?
3. It was Ronald Reagan rather than Gorbachev who should be given the credit for ending the Cold War. To what extent do you agree with the statement?
4. "The Latin American Debt Crisis of the 1980s brought the world economy to its knees." How far do you agree with this statement?
5. "The phenomenal growth of the global economy in the postwar period was primarily a product of US intervention in Europe and Asia." Assess the accuracy of this statement in relation to the period 1945-1970
6. "The Palestine-Israeli conflict is rooted in controversies over territorial and religious issues." Assess this statement in relation to the period of 1945-2000.

END