Student Number: ……. Teacher: …….

Baulkham Hills High School

Trial Examination

Higher School Certificate

2020

Legal Studies

General Instructions

Reading time – 5 minutes
Working time - 3 hours
Write using black pen

Total Marks: 100

Section 1 – 20 Marks (pages 2-6)

Attempt Questions 1-20
Allow about 30 minutes for this section

Section II – 30 Marks (pages 8-10)

This section has two parts, Part A and Part B
Allow about 1 hour for this section

Part A – 15 Marks
Attempt Questions 21- 23

Part B – 15 Marks
Attempt Question 24

Section III – 50 Marks (pages 13 – 15)
Attempt TWO questions from Questions 25-31 – each from a different Option
Allow about 1 hour and 30 minutes for this section

Section1

20 Marks
Attempt questions 1-20
Allow about 30 minutes for this section

Use the multiple choice answer sheet for Questions 1-20

1. What is the role of the jury in a criminal trial?

   A. To decide questions of fact
   B. To decide appropriate sentences
   C. To question witnesses
   D. To make rulings upon admissibility of evidence

2. Which party bears the burden of proof in a criminal matter?

   A. The defence
   B. The prosecution
   C. The magistrate
   D. The jury

3. What human right is outlined in the Australian Constitution?

   A. The right to free education
   B. The right to health care
   C. The right to information
   D. The right to vote

4. What is the term given for the early release of a prisoner from gaol?

   A. Bail
   B. Remand
   C. Prohibition
   D. Parole

5. Which of the following would be an example of a complete defence?

A. Diminished responsibility
B. Insanity
C. Provocation
D. Alcohol use

6. When do International Human Rights treaties become law in Australia?

A. When the Australian government signs the treaty
B. When the Australian government ratifies the treaty
C. When the Australian government enacts the treaty
D. When the Australian government repeals the treaty

7. When can an offender's criminal history be used?

A. When determining the sentence
B. When determining the verdict
C. When determining the juror directions
D. When determining the meaning of the legislation

8. What is the most appropriate institution to try a person accused of genocide?

A. The International Court of Justice
B. The International Tribunal for the Law of the Sea
C. The International Criminal Court
D. The Permanent Court of Arbitration

9. Which of these rights does an arrested person NOT have?

A. The right to medical care
B. The right to know the charge
C. The right to have the interview recorded
D. The right to a phone call

10. What must happen prior to a defendant being tried in the District Court in NSW?

A. The defendant must attend a committal hearing in the Local Court
B. The prosecution must hold a case conference with the defence counsel
C. The judge must review the evidence
D. A jury must be empanelled

11. The decision by police to search an offender is an example of what power?

A. Profiling
B. Discrimination
C. Discretion
D. Exclusive

12. What is the single element of a crime that needs to be proven for a strict liability offence?

A. Mens rea
B. Actus reus
C. Causation
D. Contrition

13. What are some of the conditions than can lead a person to be deported for criminal activity?

A. The person is a non-citizen and has been sentenced to gaol for more than three years
B. The person is a citizen and has been sentenced to gaol for more than three years
C. The person is a non-citizen and been sentenced to gaol for at least one year
D. The person is a citizen and has been sentenced to gaol for at least one year

14. The decision to refuse bail can be decided by which two bodies?

A. The courts and the Attorney General
B. The police and the Police Minister
C. The Police Minister and the Attorney General
D. The courts and the police

15. What must be held for a human right to become protected by the Australia Constitution?

A. A referendum
B. An election
C. An international treaty
D. A protest

16. What would be an example of a preliminary crime?

A. Conspiracy to import drugs
B. Illegal use of motor vehicle
C. Supply of drugs
D. Malicious wounding

17. What is an example of a common law human right in Australia?

A. The right to trial by jury
B. The right to represent an electorate in Federal Parliament
C. The right to legal representation in defending indictable charges
D. The right to free education in University

18. Which of the following is considered to be a post sentencing decision?

A. Bail refusal
B. Charge negotiation
C. Non parole period
D. Continuing Detention Order

19. What action can the Federal Government take if the High Court makes a decision on a constitutional point that the Federal Government disagrees with?

A. It can appeal to the Privy Council
B. It can order the High Court to rehear the matter
C. It can legislate to override the decision
D. It can amend the Constitution

20. Which of the following charges will result in automatic bail refusal?

A. Car theft
B. Aggravated sexual assault
C. Common assault
D. Drug possession

End of Section I

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Section II

30 marks
Allow about 1 hour for this section

Part A – Human Rights
15 marks
Attempt Question 21-24

Answer the questions in the spaces provided. These spaces provide guidance for the expected length of the response.

Question 21 (3 marks) **3**

Outline THREE human rights that are protected under international human rights documents.

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Question 22 (5 marks) **5**

Discuss the implications of state sovereignty on promoting and enforcing human rights.

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Question 23 (7 marks) **7**

Assess the roles of Common Law and Statute Law in protecting human rights in Australia.

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End of Part A

Section II continued

Part B – Crime
15 marks
Attempt Question 24

Answer the question in the writing booklet provided. Extra writing booklets are available.
Write your student number and teacher's name at the top of each writing booklet.

In your answer, you will be assessed on how well you

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 24 (15 marks) **15**

To what extent does the criminal investigation process balance the rights of offenders, victims and society?

End of Section II

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Section III – Option

50 marks
Attempt TWO questions from Questions 25-31, each from a different Option.
Allow about 1 hour and 30 minutes for this section.

Answer EACH question in a SEPARATE writing booklet. Extra writing booklets are available.
Clearly indicate the number of the question you are attempting.
Write your student number and teacher's name at the top of each writing booklet.

In your answer, you will be assessed on how well you

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 25 – Consumers (25 marks)

a) Evaluate the effectiveness of the law in responding to changing values and ethical standards to Australian consumer law. **25**

OR

b) Discuss the extent to which legal and non legal responses recognise consumer rights in Australia. **25**

Question 26 – Global Environmental Protection (25 marks)

a) Assess the impacts of changing values and ethical standards in promoting Global Environmental Protection. **25**

OR

b) With reference to one contemporary issue, discuss the impact of state sovereignty in enforcing Global Environmental Protection.
. **25**

Section III continued on page 14

In your answer, you will be assessed on how well you

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 27 – Family (25 marks)

a) Assess the extent to which the law reform caters for changing community values. **25**

OR

b) Discuss the effectiveness of legal and non legal responses in achieving just outcomes for family members. In your responses refer to at least one contemporary issue. **25**

Question 28 – Indigenous Peoples (25 marks)

a) Assess the extent to which law reform has responded to changing values and ethical standards. **25**

OR

b) Evaluate the effectiveness of legal and non legal responses to issues concerning indigenous peoples using at least one contemporary issue. **25**

Question 29 – Shelter (25 marks)

a) Assess the extent to which law reform protects the rights of those seeking shelter. **25**

OR

b) Evaluate the role of the law in encouraging co-operation and conflict resolution in regards to shelter. **25**

Section III continued on page 15

In your answer, you will be assessed on how well you

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media reports, international instruments and documents
- present a sustained, logical and cohesive response

Question 30 - Workplace (25 marks)

b) Using one contemporary issue, assess the extent to which law encourages compliance and co-operation in the workplace. **25**

OR

b) Evaluate the role of law reform in promoting justice in the workplace. **25**

Question 31 – World Order (25 marks)

a) Evaluate the impact of state sovereignty in assisting and impeding in the resolution of World Order issues. **25**

OR

b) With reference to one contemporary issue, evaluate the effectiveness of legal responses in promoting and maintaining world order. **25**

End of Paper

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Student Number: ..... Teacher: .....

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Section I – Multiple Choice Answer Sheet (20 marks)

Select the alternative A, B, C or D that best answers the question. Fill in the response oval completely.

Sample: 2 + 4 = (A) 2 (B) 6 (C) 8 (D) 9

A○ B● C○ D○

If you think you have made a mistake, put a cross through the incorrect answer and fill in the new answer.

A● B⊗ C○ D○

If you change your mind and have crossed out what you consider to be the correct answer, then indicate the correct answer by writing the word correct and drawing an arrow as follows.

A⊗ B● C○ D○ (correct → B)

Start here →

1.	A○	B○	C○	D○		11.	A○	B○	C○	D○
2.	A○	B○	C○	D○		12.	A○	B○	C○	D○
3.	A○	B○	C○	D○		13.	A○	B○	C○	D○
4.	A○	B○	C○	D○		14.	A○	B○	C○	D○
5.	A○	B○	C○	D○		15.	A○	B○	C○	D○
6.	A○	B○	C○	D○		16.	A○	B○	C○	D○
7.	A○	B○	C○	D○		17.	A○	B○	C○	D○
8.	A○	B○	C○	D○		18.	A○	B○	C○	D○
9.	A○	B○	C○	D○		19.	A○	B○	C○	D○
10.	A○	B○	C○	D○		20.	A○	B○	C○	D○

Trial HSC Exam Legal Studies 2020

Multiple Choice:

1	2	3	4	5	6	7	8	9	10
A	B	D	D	B	C	A	C	D	B
11	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**	**20**
C	B	C	D	A	A	C	D	C	B

Human Rights Marking Guidelines

Section II: Part A – Human Rights (15 marks)

Question 21 (3 marks)

Outline THREE human rights that are protected under international human rights documents.

Criteria	Marks
• Sketch in general terms three human rights that are protected under international human rights documents	3
• Sketches in general terms two human rights that are protected under international human rights documents	2
• Sketches in general terms one human right that is protected under international human rights documents	1

Answer can include:

Students were required to sketch in general terms 3 human rights that are protected under international human rights documents such as the UDHR, ICCPR and ICESCR. These can include:

- The right to life protected in the UDHR and ICCPR
- No one shall be held in slavery or servitude under UDHR
- The UDH also states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Question 22 (5 marks)

Discuss the implications of state sovereignty on promoting and enforcing human rights.

Criteria	Marks
• Provides informed arguments for and/or against the implications of state sovereignty in promoting and enforcing human rights	5
• Provides arguments for and/or against the implications of state sovereignty in promoting and enforcing human rights	3-4
• Provides limited arguments for and/or against the implications of state sovereignty in promoting and enforcing human rights	2
• Makes general statements about state sovereignty and human rights	1

Answer can include:

Students were required to make informed arguments about the positive and/or negative implications of state sovereignty in promoting and enforcing human rights.

State sovereignty is the ability of a nation state to make laws for its citizens without external interference. The impact that state sovereignty has on human rights influences whether there is recognition, protection or enforcement of such rights. For example, a sovereign state may recognise the fundamental human rights as listed in the Universal Declaration of Human Rights. However it is also essential to ratify human rights treaties such as the International Convention of Civil and Political Rights in order to protect citizens from human rights abuses, for example Saudi Arabia has not signed ICCPR or ICESCR, indicating that . Human rights protection also relies heavily on the will of the nation state to enact appropriate legislation, as seen in the Australian Racial Discrimination Act 1975 (Cth).

The impact of state sovereignty in not enforcing human rights treaties and rights in their countries means that citizens may be subjected to human rights abuses as seen in Myanmar from the deliberate ethnic cleansing and genocide of the Rohingyan people.

Question 23 (7 marks)

Assess the roles of Common Law and Statute Law in protecting human rights in Australia.

Criteria	Marks
• Demonstrates a thorough understanding of common and statute law • Makes an informed judgement about the role of common law and statute law in protecting human rights in Australia • Integrates relevant examples	7
• Demonstrates substantial understanding of common and statute law • Makes a sound judgement about the role of common law and statute law in protecting human rights in Australia • Uses relevant examples	5-6
• Outlines the contribution of common law AND/OR statute law to human rights • Makes limited reference to examples	3-4
• Writes in general terms about common/statute law AND/OR human rights	1-2

A number of important rights have been developed by the common law. For example, Dietrich v The Queen (1992) recognised the importance of a fair trial through the provision of legal aid to the accused in a serious criminal matter.

Statute law has made an important contribution to the enforcement of human rights. Legislation such as the Anti-Discrimination Act 1977 (NSW) and Sex Discrimination Act 1984 (Cth) enshrine principles that reflect community values and set standards in the enforcement of human rights.

Common law and statute law are similar as they both work together to enforce and protect human rights. Mabo v Queensland (1992) protected indigenous land rights, which then required parliament to pass legislation. Also, both are capable of responding to change and protect the same rights, such as freedom from discrimination. Common law and statute law differ in some ways. For example, common law evolves on a case-by-case basis over time whereas statute law is modified based on a range of factors. They also differ in that common law is made by judges and statute law is made by parliament.

Part B – Crime (15 marks)

Question 24

To what extent does the criminal investigation process balance the rights of offenders, victims and society?

Criteria	Marks
• Demonstrates a comprehensive understanding of the criminal investigation process • Makes a clear judgement as to the extent to which criminal investigation process balances competing rights with relevant evidence • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts	13 - 15
• Demonstrates a substantial understanding of the criminal investigation process • Outlines the extent to which the criminal investigation balances the competing rights • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive answer to the question using relevant legal terminology and concepts	10 - 12
• Demonstrates a sound understanding of the criminal investigation process • Makes reference to the competing rights of parties involved in the criminal justice process • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured answer to the question using relevant legal terminology and concepts	7 – 9
• Demonstrates limited knowledge of the criminal investigation process • Makes general statements as to the extent to which the rights of parites are balanced • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	4 – 6

• Writes in general terms about crime or the investigation process • May include reference to legislation, cases, media, international instruments and documents • Uses legal terminology	1 - 3

The question requested students to make a judgement as to the extent to which the criminal investigation process balances the rights of offenders, victims and society. To answer this question most candidates identified a range of legislative measures to attempt to balance these rights and relevant case law and statistics. The best responses

- Stayed on the question and did not go into trial issues or post conviction issues. In the HSC you won't get penalised but you will not get rewarded and the time spent is lost.
- Identified the relevant legislative responses such as LEPRA 2002, Young Offenders Act 1997, Evidence Act 1995, Surveillance Devices Act 2007, the Crimes (Forensic Procedures) Act 2000 and the Terrorism (Police Powers) Act 2002.
- Used cases of the use or misuse of investigative powers, media reports, examples, statistics and kept the examples brief. This is important because they assist in proving a point for the balance but the markers don't need to read a detailed report – it takes too much time up for no gain.
- Kept referring to the question and made the sequence logical. Moving from point to point without a clear indication of direction makes the response look disorganised
- Avoided the trap of including information that isn't relevant. The Bail Act 2015 and its development really needed to be used to assist in balancing the rights of offenders, victims and society as opposed to just looking at law reform.
- Showed that if the law may skew rights in favour the accused then society as a whole may dispute the just nature of those laws
- Used the development of legislative responses such as the introduction of Section 89A of the Evidence Act 1995 removed the general right to silence and the impact that this has on the use of legal assistance during questioning.

The responses were generally quite good – the differences in marks were the result of how well the student displayed their knowledge of the law, the parties to the investigation, the authorities that can be used as examples and any other supporting evidence.

LEGISLATION

Main legislation: Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)
Some of the main police powers include the power to:
• detain and question suspects
• search property and seize evidence (commonly known as **search and seizure**)
• use **reasonable force** if necessary to carry out their duties
• use particular technologies to assist an investigation, such as phone taps, surveillance or DNA samples
• arrest and interrogate suspects
• recommend whether or not bail should be granted.

Detention:

- Police can detain a person arrested on suspicion of committing a crime for a 'reasonable period' (up to 6 hours) to investigate the crime and question the person - ***Law Enforcement (Powers and Responsibilities) Act Pt 9.***
- In 2014 Law Enforcement (Powers and Responsibilities) Amendment Act 2014 increased detention from 4 hours to 6 hours. ***(T&C: Law reform***)
- This time can be extended by up to eight hours on application to an authorised justice (a magistrate or an authorised justice of the peace employed by the Local Court) (***LEPRA, s.118***).

Those kept in custody will be brought before the court for a bail hearing. The exception to this rule is the ***Terrorism (Police Powers) Act 2002 (NSW)***, which allows police to make an application to the Supreme Court.

All evidence must be obtained in a proper and lawful manner, as required by the ***Evidence Act 1995*** (NSW). If it is not, it may be considered inadmissible at trial, and that may reduce the chance of conviction.

- **Right to silence** : The suspect does not have to answer questions even if they are under arrest. Exceptions to the rule. Changes to the law. Law Reform on **Evidence of Silence & Evidence Act 1995.**
- Bail Act 1978 replaced by Bail Act 2013 – show cause and unacceptable risk test

CASES

Darby v Director of Public Prosecutions [2004]
R v Hawi - Bail
Man Monis Siege – Bail
R v Kemp (Darren [2008] NSW
R v FE [2013]

QUESTION 26

a) Assess the impacts of changing values and ethical standards in promoting Global Environmental Protection.

CRITERIA	MARK
• Demonstrates extensive understanding about global environmental protection • Makes an informed judgement, using criteria, about the influence of changing values and ethical standards in promoting global environmental protection • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive response to the question using relevant legal terminology and concepts	**21-25**
• Demonstrates substantial understanding about global environmental protection • Makes a sound judgement, using explicit or implicit criteria, about the influence of changing values and ethical standards in promoting global environmental protection • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	**16-20**
• Demonstrates understanding of global environmental protection • Makes some judgement about the influence of changing values and ethical standards in promoting global environmental protection • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured response to the question using relevant legal terminology and concepts	**11-15**
• Demonstrates limited understanding of global environmental protection • Makes some statements about changing values and ethical standards OR promoting global environmental protection • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	**6-10**

• Writes in general terms about global environmental protection • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	**1-5**

Question requires students assess the influence of changing values and ethical standards/law reform in promoting global environmental protection

In better responses students were able to:

- Demonstrate an extensive understanding global environmental protection both international and domestic (Compare and contrast)
- Demonstrates knowledge of how specific changes in values and ethical standards have promoted global environmental protection
- Extensive understanding the impact and made informed judgement, about the influence of changing values and ethical standards in promoting global environmental protection

INTERNATIONAL (Climate Change – UNFCCC common but differentiate responsibilities – onus was on developed counties, Kyoto set binding targets spilt split the world into developed and developing countries hence was deemed failure from the start countries like China and India exempt- US refuses to ratify- Canada did not meet its targets- pulled out , Paris Agreement new approach (no target a fantancy) -voluntary commitments countries do not have to stick with bare minimum – countries falling short RESULT - Economic cost too high for Carbon based economies no real action.)

DOMESTIC Clean Energy Act 2011 – repealed in 2014 – Replaced by Emissions Reductions Funds (Subsidy)
Carbon Tax Pre 2012-2014 - Carbon tax decreased carbon emission by 0.8% in the first year of operation, 1.4% in the second hence – effective in reducing carbon emissions- Emissions Reductions Fund 2014- Present- backward step to achieving our targets - Despite the ineffectiveness, further $2 billion was committed in 2019 (Scott Morrison) and rebranded as Climate Solution Fund – superficial nature of government policy RESULT - Economic cost too high for Carbon based economies no real action.)

- Incorporating/integrating LCMDT and opinions that support your arguments and their influence due to changes in values and ethical standards/law reform in promoting global environmental protection

- Use topic-specific vocabulary, such as 'intergenerational equity' and 'ecologically sustainable development'

Area of improvement

- Demonstrating knowledge of how specific changes in values and ethical standards/law reform have promoted global environmental protection / Displaying a depth of knowledge, rather than writing superficially about a wide range of aspects of GEP
- Response should have a minimum of 3/4 issues
- Making an informed judgement throughout their response (in paragraph), rather than making the judgement when referencing the question at the end of each paragraph without a link to the material presented in that paragraph.
- Incorporating/integrating examples, documents and opinions that support your arguments (Brain Dumping) Avoid listing too many examples to issues and not explaining the relevance to question
- Work response structure (Sustain, logic and cohesiveness)
  GEP ISSUE- WHY ITS AN ISSUE - INTERNATIONAL RESPONSE – RELEVANCE - IMPACT – JUDGEMENT

DOMESTIC – RELEVANCE- IMPACT – JUDGEMENT – OVERAL JUDGEMENT LINK TO THE QUESTION.

b) **With reference to one contemporary issue, discuss the impact of state sovereignty in enforcing Global Environmental Protection.**

CRITERIA	MARK
• Demonstrates extensive understanding of global environmental protection issues • Presents informed arguments for AND/OR against about the role of state sovereignty in resolving global environmental protection issues, with extensive reference to one contemporary issue • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive response to the question using relevant legal terminology and concepts	**21-25**
• Demonstrates substantial understanding of global environmental protection issues • Presents sound arguments for AND/OR against about the role of state sovereignty in resolving global environmental protection issues, with reference to one contemporary issue • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	**16-20**
• Demonstrates understanding of global environmental protection issues • Presents arguments for AND/OR against about the role of state sovereignty in resolving global environmental protection issues, with reference to one contemporary issue • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured response to the question using relevant legal terminology and concepts	**11-15**
• Demonstrates limited understanding of global environmental protection • Makes statements about the role of state sovereignty OR resolving global environmental protection issues. May refer to a contemporary issue. • Makes limited reference to such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	**6-10**
• Writes in general terms about global environmental protection • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	**1-5**

Students need to address ONE contemporary issue EXTENSIVELY which can include (Atmosphere – Climate Change, Pollution, Ozone Depletion) and Biodiversity, Demand for Resources and discuss impact on state sovereignty has on promoted or impeded the resolution global environmental protection issues.

In better responses students were able to:

- Demonstrates a clear and extensive understanding of state sovereignty and its role in resolving issues
- Presents informed arguments on how state sovereignty promoted or impeded the resolution global environmental protection issues, with EXTENSIVE reference to one contemporary issue
- Informed arguments were consistently throughout the paragraph rather than referencing the question at the end of each paragraph without a link to the material presented in that paragraph
- Incorporating/integrating examples, documents and opinions that support your arguments

Area of improvement

- Demonstrating knowledge on how state sovereignty promoted or impeded the resolution global environmental protection issues with EXTENSIVE reference to one contemporary issue
- Making an informed argument throughout their response (in paragraph) and linking to how state sovereignty promoted or impeded the resolution global environmental protection issues, rather than making the judgement when referencing the question at the end of each paragraph without a link to the material presented in that paragraph.
- Incorporating/integrating examples, documents and opinions that support your arguments (Brain Dumping) Avoid listing too many examples to issues and not explaining the relevance to question
- Work response structure (Sustain, logic and cohesiveness)

Question 31 – World Order (25 marks)

31a) Evaluate the impact of state sovereignty in assisting and impeding in the resolution of World Order issues.

CRITERIA	Marks
• Demonstrates extensive knowledge and understanding of state sovereignty and world order issues • Makes an informed judgement on the impact of state sovereignty in assisting and impeding in the resolution of world order issues • Integrates relevant examples such as legislation such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts	21 - 25
• Demonstrates a sound knowledge and understanding of state sovereignty and world order issues • Makes a sound judgement (explicitly or implicitly) on the impact of state sovereignty in assisting and impeding in the resolution of world order issues • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive answer to the question using relevant terminology and concepts	16 - 20
• Demonstrates some knowledge and understanding of state sovereignty and world order issues • Makes some judgement (explicitly or implicitly) on the impact of state sovereignty in assisting and impeding in the resolution of world order issues • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured answer to the question using relevant legal terminology and concepts	11 - 15
• Demonstrates limited knowledge and understanding of state sovereignty and world order issues • Makes general statements about the impact of state sovereignty in assisting and impeding in the resolution of world order issues • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	6 - 10
• Writes in general terms about world order • May make limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some legal terminology	1 - 5

General comments: Read carefully the set question, look at the directive term & spend time on planning the written response. Some students need to also improve hand writing skills, improve essay style and make use of distinct paragraphs throughout their response.

This was a more popular question where many students demonstrated extensive knowledge of state sovereignty and the role it plays in assisting and impeding in the resolution of world order issues. However, students also need to demonstrate the impact of S.S in more detail for some areas. This can be further developed by integrating evidence better into discussions.

Some popular evidence included the South China Sea dispute including UNCLOS articles and PCA. Students were able to contrast this dispute well with the Australia v Timor Leste maritime disputes and the positive impacts of state sovereignty on enhancing diplomatic relationships and giving Timor Leste a chance to earn profits and for the country to prosper.

R2P was also written well, using Syria and Libya. Some students also discussed how S.S impacts compliance in courts such as the ICJ using the Nicaragua v USA case (1986). The better responses also used recent cases such as Gambia v Myanmar (2019).

Most students wrote about ICC extremely well, discussing the limited power that ICC has due to countries using S.S to sign and ratify the Rome Statute as well as not complying with ICC decisions such as the outstanding arrest warrant of former Sudanese President Omar Al Bashir. Another impact of not resolving W.O issues is using S.S to pull out of the ICC.

The weaknesses of the UNSC in resolving world order issues was also discussed through the use of veto powers by countries such as China and Russia, especially the 15 vetoes in relation to the Syrian civil dispute. S.S is used to serve self-interests rather than achieving peace and security, an aim of the UNSC under the UN charter article 1.

Question 31 – World Order (25 marks)

31b) With reference to one contemporary issue, evaluate the effectiveness of legal responses in promoting and maintaining world order

CRITERIA	Marks
• Demonstrates extensive knowledge and understanding of legal responses in world order • Makes an informed judgement (explicitly or implicitly) on the effectiveness of legal responses in promoting and maintaining world order • Integrates ONE contemporary issues concerning world order • Integrates relevant examples such as legislation such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts	21 - 25
• Demonstrates a sound knowledge and understanding of legal responses in world order • Makes a sound judgement (explicitly or implicitly) on the effectiveness of legal responses in promoting and maintaining world order • Uses ONE contemporary issue concerning world order • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive answer to the question using relevant terminology and concepts	16 - 20
• Demonstrates some knowledge and understanding of legal responses in world order • Makes some judgement (explicitly or implicitly) on the effectiveness of legal responses in promoting and maintaining world order • Makes some reference to ONE contemporary issue concerning world order • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured answer to the question using relevant legal terminology and concepts	11 - 15
• Demonstrates limited knowledge and understanding of legal responses in world order • Makes general statements about legal responses in promoting and maintaining world order • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	6 - 10
• Writes in general terms about legal responses in world order • May make limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some legal terminology	1 - 5

Answers include:

To evaluate, students need to consider factors that ensure effectiveness and factors that limit. Give a balanced informed judgement, with reference to relevant case studies and UN resolutions.

Students need to address ONE contemporary issue which can include R2P or regional and global situations that threaten peace and security amongst others. Both of these options were popular amongst the students who chose this option. It is preferred to state the contemporary issue in the introduction.

Legal responses covered included

- International Court of Justice
- International Criminal Court
- Tribunals such as ICTY, ICTR and ECCC
- International instruments e.g UNCLOS including the South China Sea dispute and the breach of UNCLOS articles (57, 60 and 300) – can also link PCA decision
- UN and UNSC and the impacts of veto powers
- R2P – Link of Syria, Libya etc

Students needed to clearly make extensive judgements on how effective these legal responses have been in promoting AND maintaining World Order. The better responses constantly incorporated the 2 terms into their evaluations. Students need to ensure that they are using PEEL and linking the question back at the end of an argument/paragraph.