

UGANDA MARTYRS UNIVERSITY

NKOZI

UNIVERSITY EXAMINATION

JANUARY 2022

FACULTY OF LAW

BACHELOR OF LAWS (LLB) YEAR III END OF SEMESTER ONE EXAMINATIONS  
ACADEMIC YEAR 2019/2020

PRINCIPLES OF PUBLIC INTERNATIONAL LAW

COURSE CODE LLB 3104

DATE: ~~Tuesday~~ <sup>Friday</sup>, 28<sup>th</sup> January 2022

TIME: 2:00pm-5:30pm

DURATION: 3 1/2 HRS

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**Instructions:**

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1. Carefully read through ALL the questions before attempting
2. This examination is composed of eight (8) questions. Answer any four (4) questions. All questions carry equal marks, 25.
3. This is a partially open book examination. Students may bring into the examination room CLEAN copies of the reading list and relevant treaties and conventions but shall not share any of the materials. (For the avoidance of doubt, clean copies mean copies that have not been written on either handwritten or printed out).
4. No **names** should be written anywhere on the examination book.
5. Ensure that your **Registration number** is indicated on all pages of the examination answer book.
6. **Clarity of expression, provision of relevant authorities/examples and logical arguments will earn you extra marks**
7. Any type of examination Malpractice will lead to automatic disqualification
8. **All examination regulations and rules** of the University still apply to the forthcoming take home examinations, violation of which amounts to exam irregularities and to resulting consequences.

**Question One**

Explain the following rules/ principles as understood in international law:

- a) *Jus cogens* (5marks)
- b) *Erga omnes* obligations(5marks)
- c) Principle of '*Pacta Sunt Servanda*' (5 marks)



- d) Sanctions in International Law (5marks)
- e) Defacto and De jure recognition of governments (5marks)

#### **Question Two**

What is the effect of acts of unrecognized governments? (25marks)

#### **Question Three**

Discuss the nature and historical development of International Law (25marks)

#### **Question Four**

The foreign affairs Minister of the Republic of Bananaland has approached you with the following scenarios and requires you advise him and the government on the following:

- a) The Minister states that he sent his 18-year son to ratify a treaty on behalf of the government of Bananaland but the son was turned down because he didn't have "Full Powers" to bind the state. (7 marks)
- b) Would your answer have been any different if the person sent to ratify was a head of state or head of diplomatic mission? Justify your answer. (7Marks)
- c) In yet another incident the Minister went to ratify a treat on behalf of the government of Bananaland and was offered 3Million dollars by Lucky, one the powerful states for him not to ratify without any reservations much as his instructions, from his President, were to ratify with reservations? Justify your answer. (6 Marks)
- d) That while he was walking to the conference hall to ratify the treaty, he was grabbed and men from the state of Utopia and forcefully driven to meet officials from the state of Utopia who threatened to harm him and members of his delegation if he didn't ratify as "instructed". (5marks)

#### **Question Five**

South Sudan got her independence from Sudan in July-2011. The country boasts of approximately 2 million people. The government of Sudan though accepted the secession of South Sudan is still machinating ways of how it can have this part back within the wider Sudan nation. It is thus soon instituting a case against the government of Southern Sudan in the International Criminal Court at the Hague with the following arguments;

- a) That the population of Southern Sudan of 2 million is not sufficient to establish a state.
- b) That the boarders of Southern Sudan and territory are not well defined and that in any case, there are still disputes over the province of Abyei and as thus one cannot say that South Sudan has defined boarders.



c) That the government of Southern Sudan receives a lot of aid from USA and as thus it is not independent and works according to the wishes of its donors hence it has no effective government.

d) That the government of South Sudan is on record for commission of gross human rights violation acts that run contrary to the general view that states have obligations to respect human rights

e) That the recurrent outbreaks of wars in South Sudan driving a big percentage of the population into exile is indicative that there is no effective government in place in South Sudan.

The government of South Sudan seeks your advice on the potential defences it can raise during the trial. In a well-articulated legal opinion, using the relevant law, discuss the issues arising from the above facts.

#### **Question Six**

Discuss the circumstances under which the United Nations may collectively refuse recognition to a state. (25marks)

#### **Question Seven**

Discuss the monist and dualist theories that govern the interaction between international and municipal law. (25marks)

#### **Question Eight**

*"Once a practice becomes a custom, all states in the international community are bound by it whether or not individual states have expressly consented"* per L.L.B III student of Public International Law.

In light of the above submission and with the aid of Legal authorities, discuss the fundamental elements for the establishment of an international custom. (25 marks)