

UGANDA MARTYRS UNIVERSITY
NKOZI
UNIVERSITY EXAMINATIONS
December 2022
FACULTY OF LAW
BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER TWO FINAL
ASSESSMENT ACADEMIC YEAR 2022
PRINCIPLES OF INTERNATIONAL LAW I
YEAR 3 SEMESTER I
COURSE CODE LLB

DATE: Saturday, 20th December 2022

TIME: 9:30am–1:00pm

DURATION: 3HRS:30minutes

Instructions:

1. This is a partially Open examination. Students may bring into the examination room clean copies of the reading list and relevant Treaties but shall not share the same.
2. Question ONE is COMPULSORY. You are required to answer three other questions.
3. Your English must be COMPREHENSIBLE and your handwriting must be LEGIBLE. Clarity of expression and use of proper authorities will earn extra marks.
4. All UMU regulations and rules governing examinations and the accompanying penalties there to in case of breach apply to this exam in entirety.

Question 1 (COMPULSORY)

a) The president of Somalia has approached you as an expert in International Law. Somalia is interested in ratifying the African Union Convention on Preventing and Combating Corruption. He informs you that he sent his most trusted grand- daughter who is a first Year Student in one of the prestigious universities in the UK, however to his disappointment and disdain, she was turned down in Addis Ababa for lack of full authority to bind Somalia and lacked full knowledge on the issues at hand by virtue of her age. The President now seeks your advice on the matter **(5marks)**

b) Would your answer have been any different if the person sent to ratify was the Minister of foreign affairs of Somalia travelling with his mistress as part of the delegation team? **(5 Marks)**

c) What would your answer be if the person sent to ratify was the Minister of Energy and Natural Resources of Somalia but paid 10 Million dollars by Nigeria for him to ratify without any

reservations much as his instructions, from his President, were to ratify with reservations? Justify your answer. **(5 Marks)**

d) In yet another incident, the President of South Sudan in the company of the Minister of Energy and Minerals and other technocrats in the Ministry went and ratified a bilateral agreement with Sudan concerning the oil in the Abyei region. However, on realizing that his country would not benefit from the deal as expected, he has argued that the map he and the team were showed had an error and as such, South Sudan cannot be bound the agreement because it was made in error. The President alleges that in addition to the above, his team were threatened and coerced into signing the agreement Please advise him accordingly **(10marks)**

Question 2

Explain the steps involved in the conclusion of a multilateral treaty. What are the various rules of interpretation of multilateral treaties? **(25marks)**

Question 3

The effect of reservations differs between bilateral treaties and multilateral treaties. Explain the legal effect that may result from marking reservations to a multilateral treaty. In your answer refer to relevant provisions and/ or case law **(25marks)**

Question 4

Discuss the monist and dualist theories on the application of international law in Municipal Courts and explain what happens in case of conflict between International Law and Municipal Law, which one supersedes the other? **(25marks)**

Question 5

What is required to establish a norm of customary international law? **(25marks)**

Question 6

Write short notes on the following:

- i. Difference between Reservations and interpretative declarations **(7marks)**
- ii. Recognition of states by declaratory and constitutive theories **(10marks)**
- iii. Transformation and incorporation **(8marks)**

Question 7

1. a) What is the distinction if any, between Declaratory theory and Constitutive theory of state recognition? **(10 marks)**

b) Examine the legal effects of acts of unrecognized states and governments **(15 marks)**

Question 8

The state of Utopia has been fighting for independence for the last three decades and in 2010 it finally gained its independence from the brutal regime of the state of the North West that had ruled it. The State of Utopia is excited that it can finally enter the community of civilized states as it now has its own territory and a population, and can exercise political authority over its organized community as a sovereign state. However, the former tormentor of the State of Utopia, North

West is not amused by the supposed independence of Utopia and has intimated that it will challenge the statehood status of Utopia on the following grounds:

- a) That the population of the state of Utopia of 20,000 inhabitants doesn't meet the required minimum and as such, Utopia cannot boast of being an independent state with the small number of population.
- b) That it will adduce evidence to prove that Utopia is engaged in territory disputes not with only North West but with all its neighbours and as such these territorial boundary disputes negate the ability of Utopia to claim to be a state
- c) North West further argues that government of Utopia is in disarray and lacks the ability to exert effective central governmental authority over its territory
- d) It is the further contention of North West that Utopia lacks the legal capacity to enter into relations with other states
- e) North West contends that the human rights record of Utopia since its gaining of independence is wanting as several reports have indicated that there are arbitrary arrest and torture of groups and individuals opposed to the regime, forced disappearances, and all sorts of human rights violations
- f) The last argument put forward by North West is that since its independence, Utopia has been dependent on foreign aid from other states to finance its budget contrary to what is expected of an independent state

The state of Utopia has sought your legal advice on the possible defences it can put against the allegations of North West. In a well thought out memorandum using the relevant law and judicial authorities please advise Utopia on the issues raised by the above facts. **(25marks)**