

CHUKA

UNIVERSITY



UNIVERSITY EXAMINATIONS

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAWS

BLAW 325: PUBLIC INTERNATIONAL LAW

STREAMS: BLAW

TIME: 2 HOURS

DAY/DATE: MONDAY 14/04/2025

8.30 A.M. – 10.30 A.M.

INSTRUCTIONS:

- Answer question one and any other two

QUESTION ONE

(a) Atto and Benia States are two neighbouring countries with an adjacent coastal strip. The two countries have not experienced any major conflicts. However, recent discovery of significant oil and gas reserves in the coastal line has awakened a dispute on the maritime zone. This has heightened tensions between the two states. Both countries claim sovereignty over the area based on overlapping Exclusive Economic Zones (EEZs) under the United Nations Convention on the Law of the Sea (UNCLOS). Atto argues that its claim is based on historical usage and traditional fishing rights. Benia counters this by asserting that the zone lies well within its 200-nautical-mile EEZ as defined by UNCLOS.

Attempts at bilateral negotiations have failed, and Atto has begun drilling operations in the disputed area. In response, Benia has filed a case at the International Court of Justice (ICJ), seeking a resolution to the dispute.

Basing your answer on international law, provide a detailed analysis of the applicable provisions in addressing the dispute. **(15 marks)**

(b) The Liberation of People Movement (LPM) is a separatist group operating in Diric Republic. The group has gained significant support from the local population in a contested region and has declared itself as the legitimate representative of the region's people. LPM has established a de facto government, issued its currency, and entered into agreements with foreign corporations for resource exploitation in the contested region. Diric, however, refuses to recognize the LPM as a legitimate entity and continues to assert full sovereignty over the contested region. Recently, LPM petitioned the United Nations for recognition as a legitimate international legal person with the right to self-determination under international law.

Discuss the evolving nature of international legal personality and address the issues raised above.

(15 Marks)

QUESTION TWO

(a) "There is no difference between international humanitarian law and international human rights law." – Lorraine, an LLB 2 student.

Discuss the veracity of this statement.

(8 Marks)

(b) In the territory of Migingo lives a group known as Ngombo, who comprise of former slaves from Jiganda. These slaves settled here after fleeing from their Mwathi, who were wealthy land owners. The Ngombo were granted self-governance through Amani Treaty that was made in mid-eighteenth century, between Ngombo and Holland state.

The treaty allowed the Ngombo to have their own laws. One of the clauses in the treaty obligated Ngombo to capture slaves that are found escaping, hold them as prisoners and present them to the ruler of Migingo. Upon surrendering such slaves, the ruler was supposed to pay the person who captured the slave an amount between 16,000 and 23,000 shillings based on the effort placed to capture them. In the same treaty, a clause also empowered Ngombo to sell prisoners they took hostage.

Applying relevant international law, discuss the issues arising from the above scenario. **(12 marks)**

QUESTION THREE

(a) Assess the importance of customs as a source of international law. **(8 marks)**

(b) State Juba has signed and ratified the Paris Agreement on Climate Change, committing to reducing carbon emissions by 30% by 2030. However, State Juba's recently passed a domestic law that prioritizes the expansion of coal mining, arguing that it is necessary for economic development and energy security.

Environmental activists within Juba have filed a lawsuit in the country's highest court, arguing that the new law violates the country's international obligations under the Paris Agreement. The government of Juba counters that domestic law takes precedence and that the Paris Agreement, though ratified, is not directly enforceable within the country without specific implementing legislation.

Relying on the above scenario, discuss the theoretical and practical approaches in addressing the relationship between international law and municipal law. **(12 marks)**

QUESTION FOUR

(a) Examine whether amnesty is compatible with the Statute of the International Criminal Court (ICC). **(8 marks)**

(b) State Xeb was a multiethnic country that recently dissolved following a protracted civil conflict. As a result, two new entities, State Yenia and State Ziba, emerged. State Yenia has declared itself the "continuator state," claiming it inherits all treaties, debts, and assets of State Xeb, including its United Nations (UN) membership. State Ziba asserts that both new states are successor states and should equally share State Xeb's rights, obligations, and assets.

Several contentious issues have arisen:

1. State Xeb had foreign-held debts amounting to \$10 billion. Creditors are unsure whether State Yenia or State Ziba is responsible for repayment.
2. State Xeb had signed a bilateral defense treaty with State Aka. State Aka is uncertain whether the treaty obligations extend to either State Yenia or State Ziba.
3. While most countries have recognized both State Yenia and State Ziba, State Bibia refuses to recognize State Ziba, citing concerns over human rights abuses during the civil conflict.

Examine how international law treats the issues raised above.

(12 marks)

QUESTION FIVE

(a) On 1 June 2021, militants associated with a terrorist group (Soko Taram) hijacked two airplanes and carried out suicide attacks against targets in the Wakanda. One of the planes was flown into the busiest shopping mall in Waki, capital city of Wakanda. The other plane crashed into the building housing six government offices, also in Waki. Almost 1,000 people were killed during these terrorist attacks. The leader of the terrorist group and architect of these attacks is currently in the Republic of Topaz which has given him and the other terrorist militants safe refuge.

You are a scholar of international law and the president of Wakanda. You wish to immediately attack Topaz to avenge these attacks. In a speech, you have promised to kill 10 people for every life that was lost in Wakanda. You have also promised to neutralize Topaz by bombing all its weapon stockpiles so that they never find a way into the hands of the terrorists who attacked Wakanda, and thus prevent any future attacks. Wakanda is a member of the United Nations.

Considering your knowledge of international law, explain whether you can make good all these promises. Justify your answer using applicable authority. **(12 marks)**

(b) Examine the basis for diplomatic immunity and privileges. **(8 marks)**

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