



**Riara School of International Relations & Diplomacy
MAY -AUGUST 2019 TRISEMESTER
RIR 105: INTRODUCTION TO INTERNATIONAL LAW
INSTRUCTOR: TEDDY MUSINGA**

DATE: 13TH AUGUST 2019

TIME: 2HOURS

GENERAL INSTRUCTIONS:

Students are **NOT** permitted to write on the examination paper during reading time.
This is a closed book examination. Text book/Reference books/notes are not permitted.

SPECIAL INSTRUCTIONS:

- 1 Write your REGISTRATION NO. Clearly on the answer booklet(s).**
- 2 Answer Question One and ANY other TWO questions.**
- 3 Questions in all sections should be answered in answer booklet(s).**
- 4 Marks allocated to each question are shown at the end of the question.**
- 5 PLEASE start the answer to EACH question on a NEW PAGE.**
- 6 For the questions, write the number of the question on the answer booklet(s) in the order you answered them.**
- 7 Write your answers in paragraph form unless stated otherwise.**
- 8 Keep your phone(s) SWITCHED OFF at the front of the examination room.**
- 9 Keep ALL bags and caps at the front of the examination room and do not refer to any unauthorized material before or during the course of the examination.**
- 10 You are only allowed to leave the examination room 30minutes to the end of the Examination.**

QUESTION ONE COMPULSORY (30 MARKS)

- (a) In December 2018 the Democratic Republic of Congo held her Presidential elections. Mr. Felix Tshikedi won that election and was eventually sworn in as President. The swearing in ceremony was broadcasted in all of Kenya's television station ostensibly because President Uhuru Kenyatta, the former Prime Minister Raila Odinga and other Kenyan dignitaries were in attendance. The news reporter stated that only the Kenyan government had congratulated President Tshikedi for winning the elections. This fact was confirmed by the huge presence of the Kenyan delegation at the swearing in ceremony.

So now, as soon as you were done watching that news item with your parents; your father asks you several questions. He knows very well that you have been studying international law as one of your units this semester. Some of his questions are to explain to him what you think regarding why other states and governments shied away from attending that swearing in ceremony. He is also wondering whether their failure to attend that swearing in ceremony or even at least sending congratulatory messages has any effect in the international community. He is also wondering why the journalist had to specifically mention that so far only the government of Kenya had sent congratulatory messages to the Democratic Republic of Congo.

You are now required to discuss all the issues raised by your father with regards to the study of international law **(15 Marks)**

- (b) *Assume the following hypothetical facts:* another news item is aired on a local television station one month later after the swearing in ceremony. It says that the government of the Democratic Republic of Congo is accusing the government of Kenya of aiding and abetting the smuggling of gold and other minerals from the DRC. They are so aggrieved with the Kenyan government because all along they have been under the impression that Kenya is their only friend in the region. Kenya even attended the swearing in ceremony of their president. Their Minister for Foreign Affairs issues a public press statement to the effect that the government of the Democratic Republic of Congo will use all means necessary to arrest the situation even if it means to sever all diplomatic links with Kenya.

This time round it is your mother who asks you to explain to them how diplomatic links can be severed and whether countries can "cease being friends". She is also interested to know how states can amicably resolve their disputes. Discuss

(15 Marks)

SECTION B ANSWER ANY TWO QUESTIONS 40 MARKS

QUESTION TWO

- (a) Distinguish between Monist and Dualist theories of international law. **(6 Marks)**
- (b) In case of conflict between municipal law and international law, which should prevail? **(4 Marks)**
- (c) Discuss any 5 subjects of International Law **(10 Marks)**

QUESTION THREE

- a) The enclave of Essos is located in the rural and isolated northern tip of the state of Westeros. In this area, they have their own currency Dinero; they also have a system of government led by women and homogenous population of about 20,000. Shae, the woman leader of the people of Essos approaches you wanting to know if they can form an independent state of their own. As a tribe facing extinction, the people of Essos have been recognised by a number of states as an independent state and have been able to enter into relations with them. Advise her accordingly on what it takes to be identified as a state in international law. **(15 marks)**

- b) Briefly explain the concept of self-determination. **(5 marks)**

QUESTION FOUR

- a) Discuss any FIVE reasons for which a treaty may be terminated in International Law **(10 Marks)**

- b) Discuss the various ways in which treaties can be concluded as well as their entry into force **(10 Marks)**

QUESTION FIVE

Using relevant examples, discuss the various sources of International Law according to article 38 of the Statute of the International Court of Justice (ICJ) **(20 Marks)**