



# PIONEER INTERNATIONAL UNIVERSITY

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## UNIVERSITY EXAMINATIONS

**ACADEMIC YEAR:** 2020/2021

**SEMESTER:** MAY-SEPTEMBER 2021

**UNIT CODE:** BAIR 3150

**UNIT NAME:** INTERNATIONAL LAW

**DATE:** AUGUST 2021

**TIME:** 2 HOURS

### **SECTION A: COMPULSORY (30 MARKS): ANSWER ALL THE QUESTIONS**

1. The Sources of International Law are of great theoretical and practical importance as inherently these sources answer the question how the sources of the law influence the norms of international law.

*Do the provisions of Article 38 (1) of the statute of the International Court of justice provide adequate answers to this dilemma?* **(15Marks)**

2. Regardless of the approach that the country adopts International Law remains superior to Municipal Law. This is exemplified in cases such as Uganda, Nigeria and to some extent Britain, which are purely dualist countries. Kenya on the other hand presents certain challenges in this regard since it is neither purely dualist nor purely monistic

*In light of the above statement, critically examine the theories, legal rules and state practice pertaining to the relationship between International law and Municipal Law* **(15 Marks)**

### **SECTION B: CHOOSE ANY TWO QUESTIONS 40 MARKS**

3. States are considered the original and principal legal subjects of public international law.
  - a). Provide and discuss two examples illustrating the fact that states possess the most full-blown form of legal personality under international law. **(10 Marks)**
  - b). Discuss the advantages and disadvantages of the fact that states are still the primary subjects in the field of international law-creation. **(10 Marks)**
4. Recently, a Chinese ship lost oil in the area known as the Great Barrier Reef. The Great Barrier Reef, a marine park, is situated in the territorial sea of Australia. Australia wants to prohibit ships carrying potentially polluting substances such as oil from passing through its marine park.

*Is Australia allowed to take these measures according to the United Nations Convention on the Law of the Sea?* **(20 Marks)**

5. Since the second half of the twentieth century international courts and tribunals have proliferated. One of the often-mentioned consequences of this process is fragmentation of international law.

*Explain, with the help of at least one concrete example, what fragmentation of international law means in the light of proliferation of courts and tribunals.* **(20 Marks)**