



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

**A. M. E. C. E. A**

**MAIN EXAMINATION**

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**AUGUST – DECEMBER 2018 TRIMESTER**

**INSTITUTE FOR REGIONAL INTEGRATION AND DEVELOPMENT**

**REGULAR PROGRAMME**

**MRI 512: PUBLIC INTERNATIONAL LAW**

**Date: DECEMBER 2018**

**Duration: 3 Hours**

**INSTRUCTIONS: Answer ANY THREE Questions**

- Q1. **Either a.** With the aid of examples discuss the relationship between international law and municipal law? **(20 marks)**
- Or b.** With regards to the application of international law within municipal courts, dualists propose that rules of international law cannot be applied directly to the municipal courts of a state. Discuss this statement **(20 marks)**
- Q2. **Either a.** Some thinkers argue that international law is not law. Others say it is. Basing yourself on the evaluation of the views of each side express what you consider to be the correct position **(20 marks)**
- Or b.** Discuss successes and failures of the Regional Charter of your choice and propose improvements **(20 marks)**
- Q3. Mangungo has been invaded by belligerents who claim to be in control of the island. Meanwhile, the island's inhabitants have been victims of gross human rights violations. The warlords have been heard thumping their chests that they are the government. The island's neighbour on the right side has refused to accept control of the island by the belligerents. Its neighbour on the left has, however, sent congratulatory messages to the warlords on their recent victory. Discuss whether Mangungo Island is a state or not, and whether it is liable under international law for the atrocities committed or not **(20 marks)**

Q4. **Either a.** Elaborate the emergence and existence of legal personalities **(20 marks)**

**Or b. i)** Distinguish between state-actors and non-state actors **(10 marks)**

ii) Distinguish between recognition of a state and recognition of a government **(10 marks)**

Q5. a) When is war 'war'? **(7marks)**

b) When there is war, what are the regulations imposed by international law on it (war)? **(7 marks)**

c) Why and how does international humanitarian law continue its activities even when war ends? **(6 marks)**

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