



**STRATHMORE INSTITUTE
DIPLOMA IN INTERNATIONAL RELATIONS
END OF SEMESTER EXAMINATION
DIR 1204: Introduction to Issues of International Law**

DATE: 14th AUGUST 2018

Time: 8.45am-10.45am **2 Hours**

Instructions

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions.

QUESTION ONE:

State A and State B (both members of the UN) share a common border but their relationship is tense. One day, three border guards of State A provoke the border guards of State B by using heavy weapons across the border, injuring one soldier of B. As a consequence State B launches a counter attack that leads to a bloody one-month armed conflict. In the end, State A is completely defeated. State B then insists that State A signs a peace treaty (a) to end all armed activities between A and B, and (b) to cede a certain part of A's territory to State B.

- a. What is a treaty? And what are the constitutive elements of a valid treaty is constituted of? (10 marks)
- b. What are the ways that a treaty may be terminated? (15 marks)
- c. Is this peace treaty in all its parts between State A and B legally valid? (5 marks)

QUESTION TWO

C, a citizen of State T, is kidnapped and severely beaten by a member of the secret police of State T during official interrogation in the state prison of T. Unfortunately this is a common practice in State T which has neither ratified the International Covenant on Civil and Political Rights (ICCPR) nor the Convention against Torture (CAT) or any other international human rights treaty. C seeks justice before domestic criminal courts of State U where the member of the secret police who carried out the beating is currently residing. The criminal code of State U contains a provision that allows the exercise of



jurisdiction “in accordance with international law”. The arrested member of the secret police of State T claims jurisdictional immunity.

Has the criminal court of State U jurisdiction in the given case? (15 marks)

QUESTION THREE

Write detailed explanatory notes on the following TWO(2) of the following:

- a) The difference between International Human Rights Law and International Humanitarian Law (8 marks)
- b) Derogable and Non-derogable Rights (7 marks)

QUESTION FOUR

Discuss the prohibition on the use of force under international law and the exceptions from this prohibition. (15 marks)

QUESTION 5

Provide a detailed explanation on the following:

- a. Discuss the difference between the constitutive theory and the declaratory theory on the recognition of states in international law. (7 marks)
- b. Discuss the Montevideo convention criteria for statehood. (8 marks)