



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2016/2017

**SECOND SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR
OF LAWS**

LIL 301: INTERNATIONAL DISPUTE RESOLUTION

DATE: THURSDAY 27TH APRIL 2017

TIME: 9.00 A.M. - 11.00 A.M.

INSTRUCTIONS

- 1) Answer QUESTION ONE AND ANY OTHER TWO Questions. Penalties accrue for failure to answer QUESTION ONE.
- 2) Support your answer with relevant illustrations from case law, statutory provisions and any other references.
- 3) Your writing must be NEAT and LEGIBLE.
- 4) Your answer booklet must bear your assigned REGISTRATION NUMBER, both on the cover and every written page therein.
- 5) Do not scribble or draft answers on the inner or outer cover pages of your answer booklet.
- 6) Do not write anything except YOUR REGISTRATION NUMBER on this Question paper.
- 7) ALL Kenyatta University Examinations Rules apply as if they are contained here in.

.....

Question 1

The Republic of Nyake is a sovereign country in Africa, divided into 10 provinces and rated by the UNDP Human Development index as one of the poorest countries in the world. It has a total population of about 40 million people (2010) figures and is mainly an agricultural country. It is a member of the AU and the UN.

In 2005, the Government of Nyake enacted the Investment Act of 2005 in order to stimulate domestic growth. The Act exempts international companies exploiting natural resources under a special license from paying customs and taxes until 2030. In 2008, the Ministry of Finance released the first report on the impact of the Act on the economy. The conclusion was that the Act had a negative impact on the economy. It however noted that unemployment dropped from 26 to 23 percent and is projected to decrease to 16 percent by 2020.

In 2009, the Constitutional Court of Nyake was asked by the opposition parties and several local NGOs to rule that the Act violated the right of the people of Nyake to develop effectively. In assuming the contrary position, the Court held that the Act serves to foster development. In 2010, the United Nations Economic Commission for Africa estimated that due to exemptions granted under the Act, the country annually losses US \$ 1.2 billion in revenue. The President of Nyake, Arragon Mtado, stated that the economic wit underlying the Act was his genius. He indicated in a press conference that he would not bow to the whims of local or international idlers who had zero managerial experience.

In January 2011 members of MANU, the main opposition party led by their leader Boka Rao, went on a hunger strike seeking to compel the government to repeal the impugned Act. The strike soon attracted very many people throughout the country. Around March of the same year the strike had turned to violent running battles between the members of the public and the police. The demonstrations took the name “Bloody March”. The situation escalated into a civil strife, and the country was literally divided into two. The government remained under the control of President Arragon while a sizeable portion of the country came under the *de facto* control of Mr. Rao. Six years later, the country is still in a stalemate with occasional raids being launched by both parties to the opposing sides.

As an attaché at the legal office of the AU, you have been requested to draft a brief opinion capturing six (6) legal tools that the AU can employ to resolve the stalemate in Nyake, while noting any special advantages that one tool has over the others.

(30 Marks)

Question 2

Discuss the dispute resolution mechanisms under the United Nations. (20 Marks)

Question 3

Give a detailed comparison between the dispute settlement procedures between the International Court of Justice (ICJ) and the World Trade Organization (WTO) Dispute Settlement Body (20 Marks)

Question 4

Discuss the draw-backs in the pursuit of successful regional response to conflicts under the EAC system. (20 Marks)

Question 5

Write short but concise notes the following:

- International Sports Arbitration (10 Marks)
- The individual complaints procedure under the African Human Rights System (10 Marks)