

**NATIONAL UNIVERSITY OF LESOTHO**  
**FACULTY OF LAW**  
**LL.B FINAL EXAMINATIONS**  
**L586- INTERNATIONAL ORGANISATIONS**

**DECEMBER 2018**

**MARKS: 100**

**TIME: 3 HOURS**

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**INSTRUCTIONS**

1. You are required to answer any **FOUR** questions.

**Question 1**

Membership in an international organisation may be suspended as a means of securing compliance by a member with its obligations towards the organisation.

With reference to practical examples, discuss the various consequences that may follow as a result of suspension from membership of an international organisation.

**[25 MARKS]**

**Question 2**

Write short notes on the following conceptual theories of international organisations:

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|--------------------|----------------|
| (a) Realism        | <b>5 Marks</b> |
| (b) Liberalism     | <b>7 Marks</b> |
| (c) Constructivism | <b>7 Marks</b> |
| (d) Marxism        | <b>6 Marks</b> |

**[25 MARKS]**

**Question 3**

Divine Land Organisation (DLO) is an international organisation that was created when 56 States accepted and signed its constitution in 2002. The organisation is primarily concerned with giving aid to Member States. Its constitution is silent on its personality but Article 13 provides that it shall be endowed with privileges and immunities in the territories of its Member States. The local courts of 8 of its Member States have dismissed claims that DLO instituted within their municipal legal systems where it was seeking to enforce rights under contracts. The courts did not recognise the capacity of the DLO to institute such legal proceedings within those municipal systems. The DLO is composed of the Council (policy making body in which all Member States are

represented), the Commission (which is made up of independent experts who implement the policies), and the Secretariat (which organises meetings).

Agro is a Member State of the DLO. It has been condemned by the international community for implementing policies of genocide, slavery and torture against minority citizens. It has also been involved in acts of aggression against Liberty, a neighbouring state. Agro has been expelled from many international organisations and the country's leadership is wanted for prosecution by the International Criminal Court. The Commission of the DLO approves aid to the tune of M45 billion to Agro despite international fears that this money will be used to fuel Agro's undesirable activities. Liberty brings a case against the DLO before the International Court of Justice (ICJ). The DLO alleges that:

1. Its constitution does not endow it with legal personality therefore it cannot stand as a party in litigation before the ICJ.
2. In the alternative, should the court hold that it does have legal personality, it cannot be held responsible for any international wrongs and, if it can, its Member States must also share in the responsibility for any alleged internationally wrongful conduct.

Use principles of the Law of International Organisations, as well as decided cases to advise the ICJ on these allegations by DLO.

**[25 MARKS]**

#### **Question 4**

Pere, a new political party, has been established in Lesotho and its leader, Ms. Utopia, is campaigning on a platform that will see Lesotho withdraw from membership in all international organisations. The party is of the view that membership in international organisations makes Lesotho vulnerable to encroachments on its sovereignty and that, despite rhetoric to the contrary, not

all states are equal in these arrangements. It is argued that Lesotho should be solely responsible for deciding on the orientation of its political, economic and other policies.

You are an expert on international organisations and have been asked to advise the National Executive Committee of the political party on the costs and benefits of being a member of international organisations, especially for a developing country like Lesotho.

Advise accordingly.

**[25 MARKS]**

### **Question 5**

Sotho Alliance Development Union (SADU) is a regional organisation that was established to promote peace between members and cooperation in the pursuit of economic development. The SADU tribunal was established to resolve disputes involving members of the organisation. The Tribunal has jurisdiction on all member states.

Lioli acquired membership of SADU in January 2009 after assuring the organisation that it is a peace loving country which will endeavour to settle disputes peacefully, remove all restrictions to trade and investment in relation to other members and contribute financially to the organisation. Lioli is the largest country in the organisation in terms of population, geographical size and economy. It has a developed economy which is self-sufficient in many goods and services. However, there are huge income inequalities in the state with 20% of the population living below the poverty line. Lioli contributes 35% of SADU's budget.

Matlama is a fellow member of the organisation and historically, there has been tension between Lioli and Matlama. Lioli refuses to remove barriers to trade and investment as far as Matlama is concerned. Lioli refuses attempts by the organisation to mediate between the two states. When Lioli learns that the organisation is supporting efforts to assist Matlama to expand its industrial capacity it announces that it will no longer pay subscriptions to the organisation because it does not want its money being used to support Matlama in any way.

Discuss the enforcement mechanisms which SADU should resort to in light of the above actions by Lioli. Justify your recommendation(s).

**[25 MARKS]**

### **Question 6**

The United Nations (UN) is a subject of international law and has capacity to maintain its rights by bringing international claims. Logically, if the UN can bring claims for harm suffered to its interests, it is also liable for harm inflicted by it on third parties....However, the scope, limitations and practical application of the principle of international responsibility have not been determined....

Catham House, *Meeting Summary of the International Law Discussion Group* (10 February 2011) page 2

Discuss the above statement in the light of the 2011 Draft articles on the responsibility of international organisations and the criticisms levelled against them.

**[25 MARKS]**