

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

DECEMBER 2019

MARKS: 100

TIME: 3 HOURS

INSTRUCTION:

1. You are required to answer any **FOUR (4)** questions.

QUESTION 1

According to the International Court of Justice (ICJ)'s *Advisory Opinion on the Reparation for Injuries Suffered in the Service of the United Nations*, ICJ Reports 1949, 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; especially in well-established activities such as peacekeeping operations in relation to the conduct of UN peacekeepers or UN administration of territories, such as East Timor or Kosovo.

Drawing from this Advisory Opinion, discuss the responsibility of international organisations within the international sphere and the deficiencies, if any.

[25 MARKS]

QUESTION 2

Stephen Krasner notes that for more than a decade, experts have been declaring that the sovereign state is just about dead.

(Krasner, Stephen D. "Sovereignty." *Foreign Policy*, No. 122, 2001, pp. 20–29. *JSTOR*, www.jstor.org/stable/3183223)

With reference to the above statement and the evolution of international organisations, critically discuss the extent to which national autonomy has waned or waxed. Use examples and cases to illustrate your answer.

[25 MARKS]

QUESTION 3

In all international organizations there are rules regarding how normative acts will be adopted. Discuss the different procedural rules below:

(a) Unanimity

5 Marks

(b) Majority **5 Marks**

(c) Weighted Voting **5 Marks**

(d) Consensus **5 Marks**

(e) Veto Power **5 Marks**

[25 MARKS]

QUESTION 4

Resource Transition Centre (RTC) is an international organisation that is headquartered in the state of Berea. It is engaged in various human rights projects in the country. Mr. Khotso is the Head of the organisation. Koloï is a citizen of Berea. He is wanted by the police in Berea in connection with espionage and sabotage. Security officials believe that he is being harboured in RTC's headquarters. They bug the phones in the building hoping to hear information confirming their suspicions. They secretly search diplomatic bags and couriers bringing packages to the organisation. On 1 November 2018, the police and the military decide to storm the headquarters in search of Koloï. They break through the gates and search the building. Koloï is found hiding in the basement. He is apprehended along with Mr. Khotso and police also seize some documents which they believe will evidence that the organization was arranging to sneak Koloï out of the country. A law suit is contemplated against the organisation with regards to the legality of its actions.

With reference to decided cases, discuss issues of privileges and immunities which arise from the above scenario.

[25 MARKS]

QUESTION 5

Discuss the different theories that have been generated to explain the formation of international organisations amongst various entities.

[25 MARKS]

QUESTION 6

In 2016, a new president was elected in the United States of Amelia (USA). The newly elected President, McDonald Thump, has threatened to pull out of the Global Climate Organisation (GCO). The GCO works towards curbing the release of greenhouse gases at a time when global temperatures are set to rise to 3°C and there are worsening extreme weathers which threaten to drive millions into poverty. GCO has adopted various agreements within the organisation to regulate the conduct of members on issues of climate change and its effects.

In his inaugural speech, President Thump has indicated that agreements concluded under the auspices of the GCO pose an unfair economic burden on Amelian workers, businesses and taxpayers and that the USA has already reduced its heat-trapping emissions. In contrast, hundreds of top scientists from 13 federal agencies in USA made a report to the President indicating that climate change is already affecting every sector and region of the USA as the country is experiencing the warmest years ever recorded. In addition, the scientists indicated that without steep pollution reductions, climate change will risk tens of thousands of USA lives every year by the end of the century.

Other members of the GCO, have collectively highlighted the irreversibility of the climate accords agreed upon by members within the GCO.

Write a legal opinion advising the USA and the GCO on the principles governing membership in international organisations as elicited by the facts above.

[25 MARKS]