

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL.B FINAL EXAMINATIONS**

**L586- INTERNATIONAL ORGANISATIONS**

**JANUARY 2021**

**MARKS: 100**

**TIME: 3 HOURS**

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**INSTRUCTION:**

1. You are required to answer any **TWO (2)** questions.

## QUESTION 1

Diagnostic Law Organisation (DLO) is an international organization that was created when 56 States accepted and signed its constitution in 2002. The organization 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 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 organizations and the country's top leaders are wanted for prosecution by the International Criminal Court (ICC). The Commission of the DLO approves aid to the tune of \$45 million to Agro despite international fears that this money will be used to further 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 have legal personality nor stand as a party in litigation before the ICJ.

**25 Marks**

2. In the alternative, should the court hold that the DLO does have legal personality, it cannot be held responsible for any international wrong and, if it can, its Member States must also share in the responsibility for any alleged internationally wrongful conduct. **25 Marks**

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

**[50 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).

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.

**[50 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 **10 Marks**
- (b) Majority **10 Marks**
- (c) Weighted Voting **10 Marks**
- (d) Consensus **10 Marks**
- (e) Veto Power **10 Marks**

**[50 MARKS]**

**QUESTION 4**

International Organisations can be actors in their own right; can be tools in the hands of other actors or places where members come to hold meetings with other members commonly known as “actor, resource or forum” views.

Discuss the above statement with reference to the theories relevant to the conceptual formation of international organisations.

**[50 MARKS]**