



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**THIRD YEAR EXAMINATION FOR THE AWARD OF**  
**THE DEGREE OF BACHELOR OF LAWS**  
**FIRST SEMESTER, 2023/2024**  
**(AUGUST-DECEMBER, 2023)**

**LLBK 311: PUBLIC INTERNATIONAL LAW**

**STREAM: Y3 S1**

**TIME: 2 HOURS**

**DAY: MONDAY, 12:00 – 2:00 PM**

**DATE: 20/11/2023**

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**INSTRUCTIONS**

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE (COMPULSORY) and any other TWO questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

**QUESTION ONE**

The 2023 Israel–Palestinian war is an ongoing conflict between Israel and Palestinian militant groups led by Hamas. Part of the Gaza–Israel conflict, the war began with a militant invasion of Israel from the Gaza Strip named Operation Al-Aqsa Storm on 7 October 2023. The Israeli counteroffensive was named Operation Iron Swords.

Hostilities were initiated in the early morning with a rocket barrage of at least 3,000 missiles against Israel and vehicle-transported incursions into its territory. Palestinian militants broke through the Gaza–Israel barrier, attacking nearby Israeli communities and military installations. Many lives have been lost, cities and other properties destroyed. In response, Israeli Prime Minister Benjamin Netanyahu declared states of emergency and war, vowing a "mighty vengeance" against "terrorism".

Most countries including Turkey condemned Hamas for the violence and described its actions as terrorism. Some countries in the Muslim world cited the Israeli occupation of Palestinian territories and the denial of Palestinian self-determination as the root cause of the escalation. Human Rights Watch condemned both Hamas's and Israel's conduct as war crimes. The United States government announced it is supporting Israel by moving an aircraft carrier, its battle group and military jets to the eastern Mediterranean and providing Israel with additional military equipment and ammunition.

(a) In your view and giving reasons for your answer how do you apportion responsibility in international law for the ongoing war?

**(15 Marks)**

(b) In the case of *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua vs USA) (Merits) ICJ Rep. 1986 the Court held that [t]he principle of non-intervention involves the right of every sovereign State to conduct its affairs without outside interference; though examples of trespass against this principle are not infrequent, the court considers that it is part and parcel of customary international law... international law requires political integrity... to be respected... the principle forbids all States or groups of States to intervene directly or indirectly in the internal affairs of other States.'

Using the above case as a point of departure discuss whether, and if so, how States have sought to comply with the Principle of non-intervention in international law.

**(15 Marks)**

## **QUESTION TWO**

With reference to decided cases compare and contrast customary international law and treaties as the sources of international law

**(20 Marks)**

## **QUESTION THREE**

Account for the shifting parameters of sovereignty in international law

**(20 Marks)**

#### **QUESTION FOUR**

In your view and giving reasons for your answer is the Veto Power a viable tool for the maintenance of international peace and security?

**(20 Marks).**

#### **QUESTION FIVE**

Discuss the following

- (a) *Opinion on Reparation for Injuries Suffered in the Service of the United Nations*  
(1949) ICJ Rep 174. **(5 Marks)**
- (b) 1648 Peace Treaties of Westphalia **(5 Marks)**
- (c) *Nuclear Tests case* (1974) ICJ Rep **(5 Marks)**
- (d) The Island of Palmas case (1928) **(5 Marks)**