

Part I. Multiple-choice questions (25 points)

Choose the best answer from the given choices and write the letter of your choice in the answer sheet provided. Each question carries one point. Please be advised to allocate about 25 minutes to complete this part of the exam.

1. We say an advocate is in a moral dilemma, when he/she _____
 - A. Is unable to choose between two cases involving high monetary value.
 - B. Is unavoidably confronted to choose between two equally important but conflicting values.
 - C. Refrains from choosing between two values.
 - D. Is faced with the choice between his/her profession and another much more paying job.

2. The attitude towards the need for protecting natural resources has passed through different level of thinking. Which one best describes this evolution?
 - A. Self interest of the present generation → non-anthropocentric paradigm → intergenerational dimension
 - B. Non-anthropocentric paradigm → intergenerational dimension → self interest of the present generation
 - C. Self interest of the present generation → intergenerational dimension → non-anthropocentric paradigm
 - D. Intergenerational dimension → self interest of the present generation → non-anthropocentric paradigm

3. Articling is _____
 - A. An examination to join the legal profession
 - B. A disciplinary penalty for violation of advocates' Code of Conduct
 - C. An apprenticeship with a practicing lawyer
 - D. A practical training taken before assuming judicial office

4. Which of the following is not a factor that influences the reception of a particular foreign law?
 - A. Practical utility
 - B. Legal education
 - C. Popularity of the foreign law
 - D. None of the above

5. At the time of the preparation of the 1931 Ethiopian Constitution, there was a split among the feudal elements with regard to certain aspects of this constitution. Identify the correct statement.
- A. The conservatives sought to incorporate in the constitution a principle that public offices by nobilities shall be assumed on merit based appointment.
 - B. The progressives sought to include in the constitution a principle entitling nobilities to have a hereditary right to rule certain provinces.
 - C. Emperor Haileselassie I and the intellectuals of the period threw their full support behind the progressives.
 - D. The debate between the conservatives and the progressives centered on the question of whether the emperor`s political position should be based on blood tie or merit.
6. One of the following could be taken as the primary explanation for the insufficient room given to diverse traditional legal institutions of Ethiopia under its 1960 Civil Code.
- A. Ethiopian customary laws were not recorded sufficiently prior to the codification.
 - B. The policy of the Imperial Government of Ethiopia to use western-oriented codified laws to bring about legal and political unification in Ethiopia.
 - C. Ethiopia`s weakness to successfully resist against pressures from western superpowers to abandon her customary laws in favor of western-oriented laws.
 - D. The availability of an organized domestic resistance against the adequate indigenization of the Civil Code.
7. Which one of the following is incorrect about renewable and non-renewable resources according to the present Ethiopian environmental policy
- A. Renewable natural resources should be used in such a way that their regenerative and productive capabilities are maintained.
 - B. Use of non-renewable resources shall be minimized to the extent possible.
 - C. The need of future generations can be compromised in the exploitation of these resources.
 - D. Technologies which use resources efficiently shall be adopted, developed and disseminated.
8. An advocate uses a person as a mere means when he/she_____
- A. Pays another person to bring her more clients
 - B. Wins her client`s case on the basis of cooked evidence
 - C. Engages in a romantic relationship with her client
 - D. Discloses her client`s witnesses to a public prosecutor

9. Which of the following statement is not true about the generality of law?
- A. A law will not lose its generality even if it is designed to apply only for an individual in a given period of time.
 - B. Law is said to be general because a given rule of the law can apply to potentially unlimited number of similar cases.
 - C. Generality gives absolute permanence to the law.
 - D. Generality of law helps to ensure uniformity of actions in administration and equality before the law.
10. It is unethical for a lawyer to represent _____
- A. A client whose case such lawyer had decided while the latter was a civil servant
 - B. A client who has killed several people in act of terrorism
 - C. A client who cannot make a decision sustainable before the law
 - D. A client who is unable to pay for advocacy service
11. Which of the following does not hold true about legal systems?
- A. Laws in civil law countries are organized more coherently than laws in common law countries.
 - B. One key point of distinction between the civil law and the common law lies in the fact finding role of the judges.
 - C. There are no fundamental features that the common law and civil law legal systems share in common.
 - D. The conceptual structure of the law as well as its ideological foundation can serve as a basis for categorizing laws into legal systems.
12. One is not considered as one of Fuller's inner morality of law:
- A. Consistency
 - B. Generality
 - C. Non-retroactivity
 - D. Flexibility
13. One among the following best explains the deal made in 2010 between Ecuador and the international community regarding the oil found beneath the Amazon Forest.
- A. Both Ecuador and the international community benefited from such deal.
 - B. Donors failed to raise the required amount of money and the destruction continued.
 - C. The international community agreed to pay Ecuador with money equal to the economic value of the oil under the forest.
 - D. Ecuador was claiming to extract oil from part of the forest which is found beyond its territory.

14. The FDRE Constitution forbids the sale of land. Nevertheless, Mr. Kebede has observed that people in Ethiopia are indeed selling land. Based on this observation, he has concluded that informal land tenure rules are more forceful than that part of the FDRE Constitution which outlaws land sale. Within the purview of which school of jurisprudence might Mr. Kebede's conclusion fall?
- A. Sociologist
 - B. Positivist
 - C. Naturalist
 - D. Realist
15. Which of the following is not true about juridical acts?
- A. Juridical acts are sources of legal relation between persons.
 - B. Juridical acts invariably require corresponding declaration of will by two or more persons.
 - C. The central and most fundamental element in every juridical act is the declaration of will.
 - D. A declaration by a person that he/she wishes to avoid a contract on ground of mistake can be considered as juridical act.
16. Which Millennium Development Goal (MDG) focuses on gender issues?
- A. MDG 1
 - B. MDG 5
 - C. MDG3
 - D. MDG4
17. Assume that the Ethiopian government adopts legislation that fully legalizes abortion. Assume also that this pro-abortion legislation has triggered scholarly debate. One of the following characterizations is correct.
- A. A scholar who contests the validity of the legislation is a legal realist.
 - B. A scholar who accepts the legislation as it stands must be from a historical school of law.
 - C. A scholar who thinks that the legislation does not reflect current societal interest pertains to the school of pure theory of law.
 - D. A scholar who accepts the validity of the legislation as an act of the sovereign is a legal positivist.

18. The concepts of sex and of gender refer, respectively, to _____
- A. Variations that occurs at the biological level; what we become as men and women
 - B. Variation at the anatomical level; the appropriate behaviors assumed to be natural in our social worlds.
 - C. Biological difference between males and females; the social and cultural significance that we attach to those presumed biological differences.
 - D. All are of the above characterizations of sex and gender are correct
19. Select the false statement about Socrates' arguments made in *Appology*
- A. Obey the command of your superior so long as they are just and legal
 - B. Obey the laws even if such laws are unholy
 - C. Obey the command of your superior whatever its nature
 - D. B & C are the correct answer
20. Which one of the following considerations did not contribute to Ethiopia's drive for modernization of its legal system in 1950s and 1960s?
- A. The desire to introduce a systematically arranged and comprehensive legal system
 - B. The drive for modernization through political centralization by the political elites
 - C. The desire to eliminate the continued influences of the doctrine of capitulation
 - D. The desire to wipe out customs and preexisting state laws
21. Identify the statement that does not properly describe the state court system of Ethiopia between 1942 and 1974.
- A. The court system was formally featured by the fusion of the executive and judicial arms of the Imperial Government.
 - B. The court system was designed to minimize the problem of endless litigation prevalent in the previous court system of the country.
 - C. The court system sought to give room for community participation in the administration of justice.
 - D. The court system succeeded in replacing traditional court systems.

22. One of the following period is marked by a departure in the history of the court system of Ethiopia with regard to form:
- A. The period between 1965 and 1974
 - B. The period between 1974 and 1987
 - C. The period between 1987 and 1990
 - D. The period between 1991 and 1994
23. One of the following assertions is incorrect
- A. Legal realists give more emphasis to statutes than to the judge's beliefs
 - B. Legal positivists put the sovereign at the center of the legal system
 - C. Naturalists (followers of natural law school) blend law and morality
 - D. Legal realists put the judge at the center of the legal system
24. Which one of the following thinkers is credited for articulating the harm principle?
- A. John Austin
 - B. John Mill
 - C. Jeremy Bentham
 - D. Hans Kelsen
25. Identify a factor that distinguishes legal norms from non-legal norms such as morality:
- A. Normativity
 - B. Generality
 - C. Enforceability
 - D. Validity

Part II: Matching (10 points)

Select a term/phrase from column `B` that best matches with a term/phrase under column `A` and write the letter of your choice in the answer sheet provided. Each point carries 1 point. Please budget about 10 minutes to complete this part.

``A``

26. Declarations and Resolutions of the United Nations
27. Doctrinal interpretation
28. A fortiori reasoning
29. Separation thesis
30. Veil of ignorance
31. Grundnorm
32. *Corpus Juris Civilis*
33. The 1957 Penal Code of Ethiopia
34. Glossators
35. *Ijma*

``B``

- A. Comments on the Digest
- B. To fill gap in the law
- C. `Soft laws`
- D. Consensus of renowned Islamic scholars
- E. *Ratio Scripta*
- F. ``Is`` and ``Ought``
- G. The task of legal scholars
- H. John Rawls
- I. Pure theory of law
- J. A bi-partite classification of offences
- K. The golden rule of interpretation
- L. The Japanese Criminal Code
- M. The principle of the rule of law
- N. Separation of power
- O. Hindu law

Part III: Short answer questions (15 points)

Give short answers to the following three questions. Your answer(s) to each question shall not exceed ten lines. An answer to a question beyond these lines will not be marked. Each question carries 5 points. You should allot about five minutes to attempt each question.

36. Define global legal convergence.

37. Explain the concept of 'the relative effect of juridical acts'.

38. What does feminization of poverty mean?

Part IV: Essay-type questions (25 points)

Answer the following two questions each in not more than one page. Your answers to each of these questions beyond one page will not be marked. Your answers are expected to be analytic, critical and comprehensive. Question no. 39 carries 12 points while the remaining points go to question no. 40. Please allocate about 20 minutes for each question.

39. Identify and critically examine three reasons Ethiopia offered for adopting the civil law system at the time of her 1950s and 1960s codification project.
40. State the notion of legal pluralism and explain the extent to which the current Ethiopian legal system accommodates legal pluralism.

PART V: Hypothetical Case Question (25 points)

Read the following hypothetical case and provide answer for the question that follows. Please allow 30 minutes to attempt the question. The 25 points allocated to this part of the examination are distributed among the various issues you are expected to raise and address in the memorandum. Your answers to this question should not exceed one page. Answers beyond one page will not be marked.

Of late securing duty privilege has become an important issue for AEHTO, an association of operators in the hospitality industry in Ethiopia. Under an earlier regulation (Regulations No. 1), issued pursuant to the then existing customs duties proclamation (Proclamation No. 25), hotels and tour operators were allowed duty free privilege for goods they import in connection with their business. Later Customs Duties Proclamation No. 45 expressly repealed Regulations No. 1 and Customs Duties Proclamation No. 25, thereby taking away the duty free privilege that has been accorded to hotels and tour operators.

Recently another customs duty proclamation, Proclamation No. 95, has come into force, which has expressly repealed Proclamation No. 45 but does say nothing about the duty free privilege for imports by hotels and tour operators. The officials at AETHO are wondering whether the repeal of Proclamation No. 45 by Proclamation No. 95 has the effect of reviving the duty free privilege under Regulations No. 1 and such AETHO officials are also contemplating to initiate the issuance of a proclamation that clearly provides for duty free privilege but do not know how to proceed.

Question

41. Write a succinct memorandum on the central issues involved in this case aimed at advising AETHO officials.

Answer Sheet Cover Page

Part IV, LL.B Exit Exam

The data on this page is accessible only to NEAEA

DIRECTIONS:

Please read the following directions carefully before starting to work on the examination.

1. Write your first name, father's name (patronymic) and grandfather's name (surname) in BLOCK letters in the spaces provided below.
2. Write the Name of your University and your Registration Number on the spaces provided below in BLOCK letters.
3. Do not write your Name, Registration number or any other information regarding yourself inside the answer sheet from pages 15 to 20.
4. Code Number is for use by the National Agency for Examinations (NEAEA). Therefore nothing should be written on it.

LL.B EXIT EXAM PART III, NEAEA 2012 (2004 E.C.) MISCELLANEOUS COURSES

First Name

Father's Name

Grandfather's Name

Registration Number _____

University _____

Code Number (*To be filled by NEAEA*) _____

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Answer Sheet for Part IV, LL.B Exit Exam

CODE NO. _____

SECTION 1: CHOOSE THE BEST ANSWER (25 points)

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25. _____

SECTION 2: MATCHING (10 points)

26. _____

27. _____

28. _____

29. _____

30. _____

31. _____

32. _____

33. _____

34. _____

35. _____

CODE NO. _____

SECTION 3: SHORT ANSWERS (15 points)

36. _____

37. _____

CODE NO. _____

38. _____

