

**NATIONAL EDUCATIONAL ASSESSEMENT AND  
EXAMINATIONS AGENCY (NEAEA)**

**NATIONAL EXIT EXAMINATION FOR LL.B PROGRAMME  
STUDENTS OF ETHIOPIAN LAW SCHOOLS**

**2018/19 ACADEMIC YEAR**

**ALE**

**23 April 2019**

**Time Allowed: 3 Hours**

**PART II: PUBLIC LAWS**

**GENERAL DIRECTIONS**

1. ATTEMPT ALL QUESTIONS ON THE BASIS OF SPECIFIC INSTRUCTIONS INDICATED IN EACH SECTION.
  2. LAWS THAT CAN BE BROUGHT TO THE EXAM ROOM ARE THE FDRE CONSTITUTION, THE CRIMINAL CODE, INCOME TAX PERCOLATION, VAT PROCLAMATION, EIA PROCLAMATION, AND POLLUTION CONTROL PROCLAMATION.
  3. SUPPORT YOUR ARGUMENTS WITH PERTINENT LEGAL PROVISIONS WHEREVER APPROPRIATE.
  4. PUT YOUR ANSWERS IN A SEPARATE ANSWER SHEET ATTACHED TO THE EXAM.
  5. YOU MAY ASSUME FACTS WHERE NECESSARY.
  6. WRITE LEGIBLY
  7. DO NOT BRING YOUR MOBILE PHONE IN TO THE EXAM HALL.
- DO NOT TURN THIS PAGE UNTIL YOU ARE ALLOWED TO DO SO.**

**ALE**

**SECTION I: MULTIPLE CHOICES (30%)**

**CHOOSE THE BEST ANSWER FOR EACH QUESTION FROM THE ALTERNATIVES GIVEN.**

1. Sometime ago, aviation authorities all over the world prohibited the taking of bottled water into aircrafts by passengers for fear that terrorists may use this as opportunity to synthesize explosives in aircrafts. But, later on, chemists determined that it is was not possible to synthesize explosives from bottled water. Which one of the following international environmental law principles, *mutatis mutandis*, conforms to the actions of the aviation authorities?
- A. Prevention.
  - B. Precaution.
  - C. Preservation.
  - D. Conservation.
  - E. Protection.
2. Under the 1997 Kyoto Protocol to the 1992 UN Climate Change Convention, a system whereby developed countries could obtain credit towards their emission targets by financing energy efficient projects in other less developed countries is known as:
- A. Clean development mechanism.
  - B. Emissions trading system.
  - C. Joint implementation mechanism.
  - D. Special treatment mechanism.
  - E. Burden sharing scheme.

3. Which one of the following statements is correct about the law of public interest litigation (or rights of standing) in environmental matters in Ethiopia?
- A. Any person has the right to lodge a complaint to the competent environmental organ against the person allegedly causing actual or potential damage to the environment.
  - B. Any person has the right to institute a direct court case against the polluter without the need to pay court fee.
  - C. Any person has the right to sue competent environmental organs for their inaction or failure to perform statutory duties.
  - D. Any person has the right to institute criminal prosecution against the polluter based on Art 37 of the FDRE Constitution.
  - E. Any person has the right to initiate lawsuits against the proponent who failed to solicit public comments while conducting environmental impact assessment
4. Which one of the following environmental problems is inherently global in character?
- A. Water pollution.
  - B. Sound pollution.
  - C. Air pollution.
  - D. Soil erosion.
  - E. Ozone layer depletion.
5. Which one of the following statements is correct about the law of Environmental Impact Assessment (EIA) in Ethiopia?
- A. The law gives more attention to the system of strategic environmental assessment than project level EIA.
  - B. The approval of an environmental impact study report by the relevant environmental agency does not exonerate the proponent from liability for damage.
  - C. The proponent is required to assess only the environmental and economic impacts of the project rather than social and cultural impacts.
  - D. EIA shall be conducted by a multi-disciplinary team of consultants except lawyers.
  - E. The cost of undertaking an EIA of government projects shall be borne by the concerned community members.

6. One of the following categories of persons may commit crimes but they will not be responsible for their acts in Ethiopia. Who are they?
- A. Leaders of the country.
  - B. Young persons.
  - C. Persons with reduced mental capacity.
  - D. Infant persons.
  - E. Persons in a state of partial responsibility due to intoxication.
7. The principle of equality before the law forbids:
- A. Treating criminals differently due to their criminal history.
  - B. Treating criminals differently due to their mental conditions.
  - C. Treating criminals differently due to the gravity of their crimes.
  - D. Treating criminals differently due to their age.
  - E. Treating criminals differently due to their political outlook.
8. In Ethiopia, what does the expression *juvenile delinquency* refer to?
- A. A crime committed by a person who has not attained the age civil majority.
  - B. A crime committed by a person between the age of sixteen and eighteen.
  - C. A crime committed by a person between the age of nine and fifteen.
  - D. A crime committed by a person who has not attained the age of nine.
  - E. A crime committed by a person who has attained the age of sixteen.
9. Identify the factor that **cannot** be used to mitigate penalty under the Criminal Code.
- A. Good character.
  - B. Simplicity of mind.
  - C. Provocation.
  - D. Repairing damages caused.
  - E. Misuse of power.

10. Classification of taxes into direct and indirect is based on:
- A. Progressivity of tax rate.
  - B. Tax accounting.
  - C. Tax liability and economic incidence of revenue.
  - D. Mode of payment.
  - E. Tax assessment.
11. All of the following Goods are VAT exempted **EXCEPT**:
- A. *Injera*.
  - B. Jewelry.
  - C. Medical Drugs.
  - D. Bread.
  - E. Milk.
12. Which one of the following Canons of taxation dictates relatively small cost of tax administration against the tax revenue to be collected?
- A. Horizontal Equity.
  - B. Convenience.
  - C. Simplicity.
  - D. Certainty.
  - E. Efficiency
13. Which one of the following statements is **False** about Employment income tax schedule:
- A. Employee's fringe benefits are not taxable under the schedule.
  - B. Income from former employment is taxable under the schedule.
  - C. Employee's expenses are not deductible.
  - D. The tax rates are progressive.
  - E. Employee's disablement payments are not taxable.

14. The Vienna Convention on the Law of Treaties codifies rules related to.
- A. The balance of power.
  - B. The rules of war.
  - C. *Pacta sunt servanda*.
  - D. The use of force by states.
  - E. The U.N. Security Council
15. Which principle of international law does the notion *jus Ccogens* refer to?
- A. Peremptory norms that cannot be violated by any state.
  - B. Customary norms practiced and accepted by states.
  - C. Hard legal rules established via treaty.
  - D. Decisions handed down by the International Court of Justice.
  - E. Norms that have only religious sources.
16. Which treaties are considered to be sources of international law under article 38 the ICJ Statute?
- A. All treaties that are in force at the time disputes arise.
  - B. Only treaties that are in force and binding upon the parties to the disputes.
  - C. All treaties concluded by parties to disputes whether or not they are in force.
  - D. Only treaties that are multilateral and of paramount significance.
  - E. All treaties signed anytime between states.
17. Which one of the following is ground for termination of a treaty?
- A. Dispute between the parties.
  - B. Motive for treaty conclusion.
  - C. Impossibility of performance.
  - D. Performance.
  - E. Ambiguity

18. What is the purpose of sovereign immunity?
- A. The purpose of immunity is to protect foreign Heads of State from embarrassment.
  - B. Immunity protects a State from being invaded by another.
  - C. Immunity shields States from being sued in the courts of other States.
  - D. The purpose of immunity is to offer impunity in respect of all crimes.
  - E. Immunity does not serve any purpose for states.
19. Which one of the following statements is correct about use of force prior to the UN Charter?
- A. Armed force was prohibited.
  - B. Armed force was permitted with no restrictions.
  - C. Armed force was permitted subject to few restrictions.
  - D. Armed force was not regulated under international law prior to 1945.
  - E. Legality of use of force was the same with the UN Charter.
20. Which one of the following **does not** correctly describe the nature of human rights?
- A. They are commonly understood as moral entitlements.
  - B. They attach to persons possessing the nationality of a given state.
  - C. They are inalienable except in legally defined conditions.
  - D. They primarily impose duties on states and their agents.
  - E. They are conceived as universal and apply equally for all human beings
21. From the alternatives below, identify the one that does not represent an initial effort of the UN to recognize and internationalize the protection and promotion of human rights:
- A. Adoption of general resolutions to inspire human rights initiatives at national levels.
  - B. Establishing ad hoc international criminal tribunals to ensure accountability for serious violations of human rights.
  - C. Creating institutions mandated with the power and responsibility of promoting human rights.
  - D. Introducing charter-based mechanisms for dealing with human rights' violations by member states.
  - E. Incorporation of exhaustive list of protected human rights and corresponding obligations of the member states in the UN Charter.

22. A distinguishing feature of the International Covenant on Economic, Social and Cultural Rights (ICESCR) as compared to its counterpart on Civil and Political Rights (ICCPR) is:
- A. The principle of progressive realization in the implementation of the rights it recognizes.
  - B. The provision of judicial remedies for violation of the rights.
  - C. Its inclusion of derogation clauses during public emergency situations.
  - D. Its incorporation of rights of persons belonging to minority groups.
  - E. Its imposition of obligations on non-state actors as duty-bearers.
23. A unique feature of the substantive contents of human rights in the FDRE Constitution, as compared to other African constitutions, is:
- A. Its recognition of absolute individual rights and freedoms.
  - B. Its recognition of the right to self-determination of the nations, nationalities and peoples.
  - C. Its recognition of the right to development.
  - D. Its recognition legally justiciable labour rights.
  - E. Its provision of clear dichotomy between human and democratic rights.
24. Federations can be maintained only where:
- A. The desire for union is significantly greater than the desire for independence.
  - B. The desire for independence is significantly greater than the desire for union.
  - C. Both the desire for union and independence are absolutely compromised.
  - D. Regional states are originally created by the central government.
  - E. Regional states are empowered to establish their own military.

25. Who has the last word with regard to the establishment of a new regional state under the FDRE Constitution?

- A. The House of People's Representatives
- B. The House of the Federation
- C. The Ethiopian Human Rights Commission
- D. An ethno-linguistic group living in constitutionally recognized regional states who brings the demand.
- E. The Council of Ministers.

26. Which one of the following is correct regarding language policy under the FDRE Constitution?

- A. The Constitution provides for the official language for communication between the federal government and the world community.
- B. The Constitution declares Amharic as a working language of the central government.
- C. The Constitution, clearly, provides for the official language for communication between the federal government and the regional states.
- D. The Constitution, clearly, provides for the official language for communication between the regional states.
- E. The Constitution, expressly, recognizes plurality of the working language of the central government.

27. The FDRE constitution empowers the House of the Federation with all of the following powers **except** the power to:

- A. Resolve disputes.
- B. Interpret the constitution.
- C. Make laws.
- D. Order Federal intervention.
- E. Determine the division of revenues.

28. One of the following is an advantage of a presidential system over a parliamentary system.
- A. It better reduces possible deadlock between legislative and executive organs.
  - B. It better ensures legislative oversight over the executive branch.
  - C. It better ensures checks and balances of the three branches of government.
  - D. It better ensures government efficiency in legislative and policy decision making.
  - E. It makes law-making much easier.
29. A method of constitutional interpretation that the use of factors external to the law or interests of the parties in a case is called:
- A. Doctrinal method of constitutional interpretation.
  - B. Prudential method of constitutional interpretation.
  - C. Historical method of constitutional interpretation.
  - D. Textual method of constitutional interpretation.
  - E. Functional method of constitutional interpretation.
30. One of the following is a mechanism of making constitutions adjustable to changing social, economic, and political situations; which one is it?
- A. Constitutional Interpretation.
  - B. Constitutional mainstreaming.
  - C. Judicial review of administrative decisions.
  - D. Legislative oversight of the executive.
  - E. Constitutional stagnancy.

**SECTION II: MATCHING (10%)**

**CHOOSE THE BEST MATCH FOR THE ITEMS UNDER A FROM THE ITEMS UNDER B.**

A.

- F 1. Golden rule for environmental protection
- W 2. Subsidiary source of international environmental law
- P 3. The winner takes all
- Z 4. A procedure to oust a president from his position
- E 5. Obligation imposed on all states
- A 6. Exercising power beyond legal limit
7. Joint affirmation of freedom from fear and want
- L 8. An unjust law is not a law
- C 9. Presumption of innocence until proved guilty
- D 10. Disappearance of criminal liability

B.

- A. Ultra vires action
- B. Precautionary rule
- C. Fair trial guarantee
- D. coup d'état
- E. International custom
- F. Prevention principle
- G. Duty to cooperate
- H. Legal Positivism
- I. Impeachment
- J. Homicide
- K. *Erga omnes* obligation
- L. Natural law theory
- M. Delegation or Agency
- N. Judicial decisions
- O. Proportional representation
- P. First past -the post
- Q. Period of limitation
- R. The Atlantic Chart

**SECTION III: SHORT ANSWERS (10%)**

**GIVE SHORT ANSWERS TO THE FOLLOWING QUESTIONS.**

- 3.1. List the purposes of establishing the second chambers in federations (5%)
- 3.2. Mention the different mechanisms that Constitutions have adopted for reviewing the constitutionality of laws together with a country corresponding to each mechanism. (5%)

## **SECTION IV: ESSAY PART (20%)**

- 4.1. Write a short essay of **not more than 20 lines** explaining the grounds for *expulsion of Member states under the United Nations system. (10%)*
- 4.2. Write a short essay of **not more than 15 lines** explaining the concepts of *positive discrimination and negative discrimination in light of human rights norms. (10%)*

## **SECTION V: HYPOTHETICAL CASES (30%)**

**READ THE FOLLOWING CASES VERY CAREFULLY AND ANSWER THE QUESTIONS THAT FOLLOW.**

### **5.1 HYPOTHETICAL CASE I (15%)**

One day, Teklu and Hagos, longtime friends and business partners, were having a serious argument about who allowed the used of false payment invoices for the sale of their company's products. The argument was taking place in Teklu's compound. The two men argued for hours and they couldn't agree on anything. At last, Teklu requested Hagos to live his compound but the latter refused. Then, Teklu took out his pistol and fired it to an opposite direction to force Hagos to leave his compound. Unfortunately, the bullet from the pistol entered a nearby store and caused a minor thigh injury to a thief who was hiding in there. Then, the thief started yelling and this caused Teklu's neighbors to gather in large numbers; the gathering, in turn, attracted the attention of police officers who were patrolling the area. Teklu was then arrested and finally charged by a prosecutor for attempted murder.

5.1.1. Do you agree with the charge? Why/Why not? (8%)

5.1.2. If you don't agree with the charge, what possible crime could Teklu be charged with? (7%)

## 5.2 HYPOTHETICAL CASE II (15%)

Sunshine Motors Private Limited Company is a VAT registered Ethiopian company which is engaged importation and redistribution of vehicles in Adama. Most of its vehicles are imported from foreign markets except the small number of vehicles which are assembled in *Yerer Industrial Engineering PLC*. Recently, the PLC imported sixty vehicles to carry on its business, which also has a privilege to tax credit for the VAT paid on import though it has latter projected five of the imported vehicles for another sister company called *Ries Transport PLC* which operates on the provision of transportation service. At the end of a VAT reporting period, the Ethiopian Revenue and Customs Authority and Sunshine Motors entered into dispute on *whether the tax payer is duty bound to collect an equivalent VAT from the five vehicles diverted to transport service rendering sister company.*

5.2. 1 Analyze the case and provide your decision on the issue based on the Ethiopian VAT laws. (8%)

5.2. 2 What if Sunshine Motors PLC was a transport service rendering company itself? Would it be different in relation to VAT collection liability? Why or Why not? (7%)