Section I: Choose the best answer for every question from the choices provided. (25%) (One Point Each)

1. Assume an agency wants to design and implement a development project in a society. Which of the following principles is most useful to the success of its project?

   A. Principle of due process of law.
   B. Principle of participation.
   C. Principle of rule of law.
   D. Principle of accountability.
   E. Principle of the exhaustion of remedies

2. What is the fundamental difference between the effects of adjudication and rulemaking?

   A. Adjudication is retrospective but rulemaking is prospective.
   B. Adjudication applies to specific parties and facts but rulemaking applies to all persons in a group of society equally.
   C. Adjudication is prospective but rulemaking is retrospective
   D. A and B
   E. B and C

3. Identify the sentence that is correct about administrative liability in Ethiopia?

   A. Extra-contractual liability of the administration is governed by the ordinary law of the country.
   B. In addition to the special provisions of administrative contracts, the ordinary principles of the law of contracts in general are also applicable to administrative contracts.
   C. Extra-contractual liability of the administration is limited to fault based liabilities.
   D. A and B.
   E. B and C

4. Which of the following mechanisms of control can best ensure the protection of individuals' rights?

   A. Legislative control.
   B. Executive control.
   C. Judicial control.
   D. Control by the people.
   E. A and D.

5. In Ethiopia, one of the following bodies can be regarded as an administrative agency.

   A. Commercial Bank of Ethiopia.
   B. Ethiopian Airlines Corporation.
   C. Ethiopian Electric Light and Power Corporation.
   D. Ethiopian Telecommunication Corporation.
   E. FDRE Environmental Protection Authority.

6. The power that enables an agency to collect relevant information for decision-making is known as:

   A. Organizing power.
   B. Investigating power.
   C. Standardizing power.
   D. Directing power.
   E. Licensing power.

7. Which one of the following is a major milestone in the development of modern international law?

   A. The Rise of the Nation State.
   B. The Decline of the Church.
   C. The Conclusion of the Peace of Westphalia in 1648.
   D. The increased contacts and the ensuing higher degree of interaction between territorially consolidated units.
   E. All of the above.

8. Which one of the following is not true about the ICJ?

   A. Its judgments are binding.
   B. Its judgments are final and without appeal.
   C. The effect of its judgment is confined to the parties to a dispute.
   D. It is entitled to issue advisory opinions.
   E. None.

9. One of the following assertions is correct about the constitutive theory of recognition.

   A. Recognition is merely an acceptance of already existing situation.
   B. New states are created by virtue of the will and consent of already existing states.
   C. A new state obtains international personality by virtue factual situation not by virtue of the will and consent of others.
   D. A state is created by its own efforts.
   E. Recognition is not an essential element of statehood.

10. The distinction between a presidential system and a parliamentary system lies in:

   A. how the relation between the executive and the legislature is organized.
   B. how the relation between the executive and the judiciary is organized.
   C. how the relation between the legislature and the judiciary is organized.
   D. All.
   E. None.

11. A nation, nationality and people under the FDRE Constitution is a group of people:

A. who have common language, culture and similar psychological make-up.
B. who have similar descent and who are economically developed.
C. who have a belief in a related or common identity and inhabit an identifiable, contiguous territory.
D. All except C
E. All except B

12. The members of the House of Peoples' Representatives are accountable to:

A. their conscience, people, and their party.
B. the people of Ethiopia.
C. their party, the Constitution, their conscience.
D. the Constitution alone.
E. All

13. In Ethiopia, the determination of the degree of individual guilt requires the consideration of all but one of the following factors.



A. The age of the criminal.
B. The level of education of the criminal.
C. The nationality of the criminal.
D. The gravity of the crime committed.
E. None.

14. Under the FDRE Criminal Code, robbery is different from theft in that:

A. it involves abstracting other's property.
B. it could be committed with the intent to get unlawful enrichment.
C. it could be committed to enable a third party to obtain unlawful enrichment.
D. it involves violence or intimidation.
E. All.

15. Which one of the following penalties does not apply to petty offences?

A. Arrest.
B. Imprisonment.
C. Fine.
D. A and B.
E. B and C.

16. One of the following international instruments was an express demonstration of a general consensus by states on the indivisibility, inter-dependence, and universal nature of human rights.

A. The Vienna Convention on the Law of Treaties.
B. The Universal Declaration of Human Rights.
C. The Vienna Declaration and Programme of Action.
D. The International Covenant on Economic, Social and Cultural Rights.
E. The Millennium Declaration.

17. Which one of the following can be considered as an exception to the principle of *progressive realization* provided under Article 2 of the ICESCR?

A. The prohibition of non-discrimination in the provision of socio-economic rights.
B. The Minimum Core obligations.
C. The obligation to refrain from deliberate retrogressive measures.
D. The obligation to provide.
E. All except D

18. One of the following rights could be regarded as a third generation human right.

A. The right to education.
B. Freedom of expression.
C. The right to clean environment.
D. Freedom from torture.
E. None.

19. One of the following is not the feature of a federal political system.

A. Division of power by a constitution
B. Establishment of two tiers of government
C. Provision for the designated representation of distinct interests usually through the second chamber.
D. A written supreme constitution that can only be amended by the consent of a significant proportion of the constituent units.
E. None.

20. Which one of the following is true about the House of the Federation in Ethiopia:

A. It represents the regional states at the federal level.
B. It represents the nations, nationalities, and peoples of Ethiopia.
C. It ensures equal representation.
D. Its maximum seat is fixed in the constitution.
E. All.

21. Identify an item that is different from the list provided below.

A. Switzerland.
B. Ethiopia.
C. India.
D. United States of Americ
E. Canada.

22. Annual leave under the labour law differs from the civil service system because:

A. it is a paid leave under the former while it is an unpaid leave under the latter.
B. it is longer in duration under the labour law than it is under the civil service law.
C. it is open for negotiation under the labour law while it is not under the civil service law.
D. it was introduced during the military regime under the labour law whereas its introduction in the civil service system dates back to the time of Emperor Haile Sillassie I.
E. None.

23. According to the Labour Proclamation 377/2003, a certificate of service to be issued to a worker need not include:

A. the length of service of an employee.
B. the amount of wage an employee was earning.
C. the reason for the termination of employment contract.
D. the job position an employee occupied.
E. A and B.

24. Which of the following is true about unionization under the labour law?

A. Union members shall determine the minimum number of membership.
B. Management staff is excluded from membership in trade unions.
C. Plurality of unions is a possibility.
D. B and C.
E. A and C.

25. One of the following statements is correct about value added tax (VAT).

A. VAT creates cascading effect of a tax.
B. VAT is less comprehensive and less equitable tax system.
C. VAT increases the possibility of tax evasion.
D. VAT has more tax burden.
E. VAT promotes capital investment and saving.

Section II: Matching-10% (1 point Each)

A	B
1. Delegated legislation	A. *jus cogens.*
2. *Ultravires*	B. Excusable Act.
3. *Peremptory* Norm	C. Immunity from criminal responsibility.
4. Global income tax system	D. Foreign tax crediting.
5. Universal Declaration of Human Rights	E. No discretionary exercise of power.
6. Unitary state	F. Persistent Objector
7. Reinstatement	G. First comprehensive human rights instruments
8. Double taxation	H. Loss carry forward.
9. Rule of law	I. Determination of local government's powers by the central government.
10. Infancy	J. Remedy for discriminatory dismissal.
	K. Exercising power beyond legal limit.
	L. Aggregation of income received from all sources in all jurisdictions .
	M. Progressive realization of rights.
	N. Directives.

Section III: Provide brief answers to the following questions! (15%)

1. What is *tax burden*? **6%**
2. Mention at least three functions that a constitution can serve. **9%**

Section IV: Write short essays for the following questions! (20%)

1. Discuss at least **four** features of the FDRE Constitution which reveal its parliamentary form of government. **10%**
2. Discuss at least four advantages of customary international law over a treaty law. **10%**

Section V: Hypothetical case question (30%)

Case One (20%)

Yonas is a well-known businessman residing in Jimma. He frequently travels to Addis and Hawassa due to the nature of his business. This enabled him to install concubines both in Addis and in Hawassa. Hence, he spends his time with Aida when he is in Addis and with Helen when he is in Hawassa. His wife does not know about these facts. However, Aida knew that Yonas was a married man. However, it was only recently that she came to know about his affairs with Helen in Hawassa. She was angered by this fact and started looking for Helen's address. Thanks to technology, Aida got Helen's address, including phone number, from the facebook. About two weeks ago, she called and told Helen that Yonas is her husband and warned her to quit her affairs with him. Surprising, Helen also told her that Yonas is her Husband, too, and asked Aida to stop her affairs with him. The phone conversation ended with terrible conclusion where Aida warned Helen to face serious consequences if she chose to continue the affairs and refused to do what she was told to do. Helen paid deaf ears to the warning and in fact continued her affairs with him. This led Aida to go to Hawassa and look for Helen. After two days, she discovered the residence of Helen. The next day, Aida went to Helen's house and started waiting for her to come out. When the unsuspecting Helen emerged from her house, Aida started moving towards her. Helen recognized that it was Aida because she saw her picture before and Aida was her eighth grade classmate. As she was moving towards Helen, Aida was calling her, "you stupid prostitute! You refused to heed my warnings and I am here to kill you now! Call that stupid man to save you!" Helen could get back and close her door but she found that ignominious as many people were standing around and watching the drama. So, she stood her ground and waited for the angry Aida to come closer. As she was approaching, Aida was putting her hand into her purse which led Helen to believe that she was taking out a gun. Then, Helen did not want to waste any more time; she quickly took out her gun and shot Aida on her lower left leg. After receiving the shot, the bold Aida fell on the ground and started crying like a baby and calling for help. In matters of five minutes, three police officers arrived at the scene and arrested Helen. Aida was then taken to a nearby hospital where she is now receiving a medical treatment.

a. If Helen is charged with causing intentional bodily injury to Aida, what possible defence could she raise? **10%**

b. If you were the public prosecutor handling the case, what possible argument could you present against Helen's possible defence? **10%**

Case Two (10%)

Berta Enterprise is a company that has about 150 employees. It produces and sells leather products. *Lemlem*, an accountant, has been working for the Enterprise for the last seven years. As part of her regular duties, she deals with some of the routine book-keeping works and periodically prepares financial statements of the Enterprise. She likes her job very much and as a result she has never used even a single day from her annual leave so far. As far as her remuneration is concerned, she has been earning a monthly salary of Birr 2,700 since the first day of her employment. Recently, with a view to attaining competitiveness in the leather industry, the Enterprise introduced a new computer system with sophisticated accounting software. Accordingly, the management of the Enterprise is of the view that the service of *Lemlem* is no longer needed. Consequently, she was told by the management that her engagement with the Enterprise will be put to an end and she has been given a proper notice to that effect. Assuming that the termination is lawful, what possible entitlements will *Lemlem* be entitled to under the law.

Answer Sheet Cover Page
Part II, 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.
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 II, NEAEA 2012 (2004 E.C.)

PUBLIC LAWS

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Registration Number _____

University _____

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

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Section I: Multiple Choices (25%)

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Section II: Matching (10%)

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SECTION III: SHORT ANSWER (15%)
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QUESTION II

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SECTION IV: ESSAY PART (20%)

Question 1

Question 2

SECTION V: HYPOTHETICAL CASE QUESTIONS (30%)

Case One (20%)

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Case Two (10)