NATIONAL AGENCY FOR EXAMINATIONS (NAE)
NATIONAL EXIT EXAMINATION FOR
STUDENTS OF ETHIOPIAN LAW SCHOOLS
2010/2011 ACADEMIC YEAR

PART IV: - MISCELLANEOUS COURSES

INSTRUCTIONS:

- ATTEMPT ALL QUESTIONS ON THE BASIS OF SPECIFIC INSTRUCTIONS INDICATED IN EACH SECTION.
- TIME ALLOWED: 3 HOURS.
- LEGISLATION THAT CAN BE BROUGHT TO THE EXAM ROOM: ***THE FDRE CONSTITUTION, LABOUR PROCLAMATION***
- WHENEVER APPROPRIATE BUTTRESS YOU ARGUMENTS WITH PERTINENT LEGAL PROVISIONS.
- PUT YOUR ANSWERS IN A SEPARATE ANSWER SHEET ATTACHED TO THE EXAM.
- SWITCH OFF YOUR MOBILE PHONE

DO NOT TURN THIS PAGE UNTIL YOU ARE ALLOWED TO DO SO.

SECTION I: - CHOOSE THE BEST ANSWER FROM THE GIVEN ALTERNATIVES (35%)

1. Which of the following is not true about the Civil Law and the Common Law legal systems?

   A. The Common Law legal system is interested only in providing solution to a case at hand rather than formulating a general rule of conduct for the future.
   B. The Common Law legal system is much less abstract than the Civil Law legal System.
   C. Each legal system is moving in the direction of the other.
   D. The Civil Law legal system emphasizes on form and structure than the Common Law legal system.
   E. None of the above

2. Under the current legal set up in Ethiopia, which of the following organs has no power to initiate draft law for consideration by the House of People's Representatives?

   A. Members of the House of People's Representatives.
   B. Council of Ministers.
   C. Plunum of the Federal Supreme Court of Ethiopia.
   D. Trade Unions.
   E. None of the above.

3. Which of the following is not true about the hierarchy of laws?

   A. There is a direct relationship between hierarchy of laws and the hierarchical relationship among law making authorities.
   B. It is important for the purpose of making laws.
   C. It is the constitution that ultimately determines the hierarchy of laws.
   D. The hierarchy of laws varies from time to time.
   E. None of the above.

4. Which of the following factor does not account for the need for interpretation of laws?

   A. The nature of language.
   B. The generality of law.
   C. Social dynamism.
   D. Static nature of law.
   E. None of the above.

5. Which of the following is a cause for the existence of legal pluralism in Ethiopia?

   A. The federal setup under the current constitution.
   B. The recognition by the Federal Constitution of the validity and applicability of non-state norms for personal matters.
   C. The existence of multicultural society in Ethiopia.
   E. All of the above.
   F. None of the above.

6. One of the following is correct about federalism and federations

   A. The former refers to the institutional expression whereas the latter refers to a normative concept.
   B. The latter refers to the institutional expression whereas the former refers to a normative concept.
   C. Both refer to ideology.
   D. Both refer to the institutional expression.
   E. All

7. Regional states have jurisdiction to legislate over the following matters except

   A. Civil servants of the regional state
   B. Organization of their police force
   C. Traffic regulation
   D. Labour matters
   E. Over land in accordance with federal legislation
   F. All

8. One of the following is incorrect about unitary states in contrast to federal states

A. There is one level of government and such number of administrative units as deemed necessary in unitary states
B. There is superior-subordinate relationship between the central government and administrative units in unitary states
C. The central government does not determine the form and scope of power to be exercised by administrative units
D. The central government may reorganize the administrative units in a unitary state depending on administrative, economic and other considerations
E. All

9. Which one of the following countries has a one list method of dividing power between the federal government and constituent states?

A. USA
B. Canada
C. Ethiopia
D. India
E. All

10. Which one of the following is incorrect about administrative federalism?

A. The division of powers is on roles than policy fields
B. Germany is an example of this model of division of powers
C. Executive responsibility of federal laws is that of the constituent units
D. Each level of government is responsible for execution of the policy area it is assigned
E. none

11. Positivists do **not** believe in one of the following:

A. The only legitimate sources of law are those written rules, regulations, and principles that have been expressly enacted, adopted, or recognized by a government body.
B. Law should be studied separately from morality and justice
C. Morality is unimportant
D. All laws should be written and codified to be predictable

12. One of the following sentences is incorrect.

A. Realists give emphasis to statutes more often than to the judge's beliefs
B. Natural law school believes in the existence of some higher moral values
C. Positivists put the sovereign power at the center of the legal system
D. None

13. Kelsen's grand norm is equivalent to:

A. The Constitution
B. To the dominating attitude of the society
C. The whole body of positive law of a country
D. Universal and unchanged higher laws

14. One of the following is false about realist school of jurisprudence

A. law is simply the prediction of what the courts will do
B. the life of the law is experience rather than logic and reason
C. realists put the judge at the center of the legal system
D. realists do not accept the separation thesis

15. One of the following is not included among Fuller's inner morality of law

A. Generality of laws
B. Publication of laws
C. Retroactivity of laws
D. Consistency of laws
E. none

16. A case will be said to have involved a private international law matter:

A. When it involves any foreign element
B. If the transaction is of a private or public nature
C. When the transaction is of a private nature and involves more than a single legal system
D. If there is no hard and fast rule for that and must be decided on a case –by-case basis.
E. None

17. Courts which are too much conscious of the sovereignty of their legal system will opt one of the following solutions whenever the problem of *renvoi* arises :

A. Will totally dismiss the case
B. Will apply the foreign substantive law in preference to domestic law
C. Will prefer to apply domestic law to foreign law
D. Will reject the *renvoi* and apply the law of the country as indicated by its conflict of laws rule.
E. Will ensure first that such a problem never arises in their forum.

18. Given the federal form of arrangement that Ethiopia is following , one would be logical to say:

A. there is no urgent need to enact a legislation on conflict of laws as the Constitution effectively guides courts on the subject
B. The power of enacting legislation on conflict of laws must be left exclusively with the States.
C. Since legislation on conflict of laws would be vital to create one economic community, its enactment must be a power given to the Federal government.
D. It would be of pragmatic value if the power of enacting such law is concurrently exercised both by the federal government and regional government

19. Conventionally, the purpose of conflict of laws covers all but one :

A, determining applicable law when choice of law problem encounters
B. determining judicial jurisdiction of courts
C. determining nationality of parties before the forum
D. guiding courts when to recognize or enforce foreign judgments
E. All of the above are legitimate purposes of Conflict of Laws

20. Which one among the following is **not** true about judicial jurisdiction in the international context ?

A. In most countries, the problem of judicial jurisdiction is treated as a question of conflict of laws.
B. In Ethiopia, there are no specific rules which govern the problem of judicial jurisdiction.
C. Some provisions, under the Federal Courts Proclamation No. 25/1996, deals with the issue of judicial jurisdiction.
D. There has been no attempt to fully address the problem of judicial jurisdiction through uniform federal rules of private international law.

21. One of the following never justifies termination of contract of employment in Ethiopia.

A. Sickness
B. Employment injury
C. Age
D. Sex
E. All

22. Which one of the following is necessarily true under Ethiopian labour law?

A. Regarding its form, probation is a matter left for parties' agreement.
B. Grounds of suspension of contract of employment can be lawfully expanded by collective agreement.
C. Where the terms of collective agreement are inconsistent with the provisions of labor law, the latter prevails.
D. None

23. Identify the wrong statement about termination of contract of employment under Ethiopian labour law.

A. An employer is absolutely prohibited from dismissing a worker who is under suspension.
B. An employer whose right to terminate a contract of employment is barred by period of limitation (1 month), surrenders his right to terminate altogether (based on same ground) subsequently.
C. Where contract employment is terminated by notice, the termination would be effective as of the date of issuance of the notice.
D. All
E. None

24. Identify the correct statement under Ethiopian employment laws (in particular labour and civil servant law):

A. Where an employer fails to terminate a contract of employment made for definite period despite the period expires, the contract would be presumed to have been made for indefinite period.
B. Notice in termination of contract of employment puts the worker under default in that the worker, failing to rectify the cause which necessitates the notice, would be dismissed out rightly.
C. In reducing work force the employer may validly take disability in to account (based on productiveness). i.e persons with disability can be reduced first.
D. The contract of a worker who is under maternity leave may not be terminated on any ground until the leave expires.
E. None

25. Summary dismissal occurs where:

A. Parties end their contract because of events beyond their control.
B. The employer terminates the contract without notice alleging worker`s misconduct.
C. The worker terminates the contract without notice pushed by employer`s misconduct.
D. The employer terminates the contract with notice but claims worker`s misconduct.

26. Gender could not be the result of _____.

A. Culture
B. Religion
C. Philosophy
D. Globalization
E. All
F. Only A and B

27. The first fundamental transformation that took place in 1995 was the recognition of the need to shift the focus from women to the concept of gender, recognizing that the entire structure of society, and all relations between men and women within it, had to be re-evaluated. Such idea was the result of which conference?

A. Copenhagen Conference
B. Beijing Conference
C. Nairobi Conference
D. The Mexico City conference

28. Which action by the current Ethiopian government does not address the problems of Ethiopian women?

A. It ratifies international women right documents
B. It enacted the Revised Family Code of 2000
C. It issued the Amended criminal Code in 2004
D. It adopted in 1995 the FDRE Constitution
E. Before assuming political power it recognized women's role as a result of their military contribution to fighting the previous regime.
F. None

29. Which of the rights of women are not best protected under Ethiopian laws?

A. Nationality
B. Rights within marriage and family relationships
C. Rights over children (guardianship)
D. Equal treatment before the law.

30. Of all the rights affected by female early marriage, which isn't;

A. Education right
B. Health right
C. Equality
D. Reproductive rights
E. None

31. Why do we study legislative Drafting?

A. To get well- versed techniques of modern legal drafting
B. To fill the gap lack of expert legislative draftsman
C. To give more attention in consideration of Language and improve substantive policy
D. All
E. All except "C"

32. Which one is not the concern of Legislative draftsman?

A. Helping his client regarding the substance
B. He has no direct concern with the substantive policy of the client.
C. He must find out what the client is trying to accomplish
D. He must find out about the factual environment in which the matter arises.
E. All

33. Which one is the problem that draftsman confronted with in developing a specific arrangement

A. The problem of division
B. The problem of classification
C. The problem of sequence
D. The problem of composition
E. All except “D”

34. Among the following one is not the concern of legislative drafting?

A. Knowing the substantive policy of the client
B. Legal instrument as communication
C. Legal research and citation
D. Knowing the substantive steps in Legislative drafting.
E. Arrangement of Legal instrument

35. The disease of over vagueness refers to:

A. The degree to which independent of equivocation
B. The marginal question of degree of equivocation
C. Uncertain usage to particular words and phrases
D. The marginal question of degree of equivocation
E. All of the above

SECTION II: SAY TRUE IF THE STATEMENT IS CORRECT AND FALSE IF THE STATEMENT IS INCORRECT (7%)

1. The Constitution of Federal Democratic Republic of Ethiopia indiscriminately recognizes the applicability of customary norms.

2. The federal government in Ethiopia is responsible to bear financial expenditures incurred by the regional states in discharging responsibilities assigned to them by the constitution.

3. For sociologists and realists law should be weighed based on its moral content rather than its function.

4. If a case contains no foreign element, from the outset, Conflict of Law is irrelevant.

5. As far as severance pay is concerned, Civil servants receive better protection than workers.

6. An affirmative action shall be availed to women living in countries like Ethiopia with respect to any rights in the law.

7. The draftsman can not develop satisfactory plan for a Legal instrument unless he/ she understands the general principles of arrangement

SECTION III: FILL IN THE BLANK SPACES (7%)

1. The borrowing of law from another legal system is known as_____.
2. Legislative power on patent and copyright, under FDRE constitution, belong to_____.
3. _____is known for his famous quotation "The life of the law has not been logic, it has been experience."
4. _____arises if the reference made as to which law of a foreign country is to the inclusion of the foreign choice of law rules.
5. Ms F, a fourth year Accounting student, is attached to the Ethiopian Insurance Company for her externship. The work relationship between Ms F and the Insurance Company can be regulated through_____.
6. _____ is a natural attribute helping us to identify a person as male or female in that a male person biologically differs from a female.
7. _____are very important in a Legal instrument to achieve clarity and understandability.

SECTION IV: MATCHING (10%)

A	B
1. Promotes judge made law	A Male rule
2. Concurrent powers	B. Lawful termination
3. Inner morality of law	C. A matter of excess
4. *Renvo*	D. Produces effect before the author of the act dies
5. Severance pays	E. Wage/Salary
6. Patriarchy	F. Leon L. Fuller
7. Tabulation	G. endless circle to referring to foreign laws
8. Grundnorm	H. Realist theory of law
9. Mortis *causa jurical* acts	I. Arrangement of facts or figures in columns or lists
10. The disease of ability	K. Pure theory of law
J. A power which is jointly exercise	

SECTION V: GIVE SHORT ANSWERS IN NOT MORE THAN 5 LINES (8%)

1. What is Separation thesis (4%)
2. Explain briefly why labour law is inapplicable to domestic workers.[4%]

SECTION VI: WRITE SHORT ESSAYS FOR THE FOLLOWING QUESTIONS IN NOT MORE THAN 10 LINES. (13%)

1. Analyze the Ethiopian federation in light of the common features of federation. *(6.5 pts)*

2. "Law is a general norm of social behavior to which sanction is attached." Elaborate this statement. *(6.5Pts)*

SECTION VII: HYPOTHETICAL CASE QUESTIONS (20%)

Tesfanesh appeared before a Recruiting Committee of Commercial Bank of Ethiopian (CBE) after a vacancy announcement for the job of a senior accountant advertized on Addis Zemen Gazette. She was among 200 applicants for the job at first, but with her credentials and work experience she was able to make the last two best qualifiers for the position, which demands one person. Her competitor was Misganaw whose overall point was equal with Tesfanesh's.
The Chairperson of the Recruiting Committee recommended, and the Manager of CBE subsequently approved, the recruitment of Tesfanesh instead of Misganaw as a senior accountant as though Misganaw was equally qualified with her for the stated position.

Do you think the decision of the CBE amounts to gender based discrimination in employment? What ground did the Bank have for the possible complain that could be raised by Misganaw that he was discriminated against? ***(8 Pts)***

By applying H.L.A. Hart's argument on positivism (primary and secondary rules) argue in favor or against the hypothesis that Ethiopia had no a legal system before

the adoption of the present codes in the 1960s. (You may assume/use some facts on the condition of the Ethiopian legal system before 1960s from your course on legal History) (12Pts)

ANSWER SHEET FOR PART IV

DIRECTIONS:-

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

1. **Write your Name, Father Name and Grand Father Name, the Name of your University and your Registration Number on the spaces provided in BLOCK letters.**
2. **Do not write your Name, Registration number or any other information regarding yourself inside the answer sheet.**
3. **Code Number is for use by the Agency. Therefore nothing should be written on it.**

EXIT EXAM (2003/2011)

PART IV

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NAME **F. NAME** **G. F. NAME**

UNIIVERSITY_____

CODE NO._____

SECTION I: CHOOSE THE BEST ANSWER

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SECTION II: SAY TRUE IF THE STATEMENT IS CORRECT AND FALSE IF THE STATEMENT IS IN CORRECT

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SECTION III: FILL IN THE BLANK SPACES

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SECTION IV: MATCHING

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SECTION V: GIVE SHORT ANSWERS IN NOT MORE THAN 5 LINES

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SECTION VII: HYPOTHETICAL CASE QUESTIONS

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