

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2008

- TITLE OF PAPER** : **PUBLIC INTERNATIONAL LAW**
- COURSE CODE** : **L 406**
- TIME ALLOWED** : **THREE (3) HOURS**
- INSTRUCTIONS** :
- 1. ANSWER ANY FIVE (5) QUESTIONS. MARKS ALLOCATED TO A QUESTION INDICATE THE TIME TO BE SPENT ON THE ANSWER**

 - 2. REFER THROUGHOUT TO LEGAL AUTHORITY TO SUBSTANTIATE YOUR STATEMENTS.**

DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.

QUESTION 1

It is often said that public international law is not really "law". Write *a note* in which you critically evaluate this statement. [20]

QUESTION 2

- (i) *Discuss* treaties as a contemporary source of public international law. (10)
- (ii) *Discuss* the making of treaties with specific reference to:
 - (a) Swazi statutory measures in this context; (3)
 - (b) Reservations of a treaty. (7) (10) [20]

QUESTION 3

Write *an essay* on collective recognition and non-recognition of an entity as a state in public international law. [20]

QUESTION 4

Discuss critically the nature of the Security Council (SC) of the United Nations (UN) and its role in the enforcement of actions in terms of Chapter VII of the United Nations Charter (UNC). [20]

QUESTION 5

As a result of the 1967 Six Day War, Israel annexed East Jerusalem and the Golan Heights, territory that had previously been under Palestinian control. When challenged, Israel responded that its actions were valid under international law as it had been acting in self-defence.

Write *an essay* on this statement, also paying attention to the following issues:

- (i) The validity of the Israeli annexation;
- (ii) The basis for and validity of Israel's claim that its actions were in self-defence and therefore justified in terms of public international law;
- (iii) Whether it would have made any difference if Palestine had ceded the territory to Israel? [20]

QUESTION 6

- (i) When sailing on the high seas, the vessel *Morning Star* (registered in Liberia) collided with a ship *Early Dawn* (registered in Turkey). The *Early Dawn* sinks with considerable loss of life. The *Morning Star* picks up survivors, including the *Early Dawn's* Captain. The *Morning Star* sails to Liberia where the Captain is put on trial for culpable homicide. Turkey objects to Liberia exercising jurisdiction, because the collision did not take place in its territory.

You are asked by the Liberian government to furnish a *legal opinion* regarding its possible jurisdiction in this case; (10)

- (ii) Write a *brief note* in which you compare the nature and jurisdiction of the International Court of Justice (ICJ) with that of the International Criminal Court (ICC). (10) [20]

QUESTION 7

Discuss ten ways in which states can use force without authorisation by the Security Council. [20]

END OF PAPER