

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION PAPER, MAY 2010**

**COURSE NAME** : **THE GENERAL PRINCIPLES OF SWAZI LAW AND CUSTOM**

**COURSE CODE** : **L104**

**TIME ALLOWED** : **THREE (3) HOURS**

**INSTRUCTIONS** :

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 2. MARKS ARE INDICATED AT THE END OF EACH QUESTION.**
- 3. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR**

**QUESTION 1**

Swaziland has a dual legal system and this has been criticised as having brought uncertainty, conflict, unpredictability and abuse of power with resultant gross abuse of human rights.

Discuss this statement outlining possible law reform proposals where relevant. (25 marks)

**QUESTION 2**

Prince Nhloko has fined Mavuso, one of his subjects, five cows for Mavuso's refusal to heed the Chief's royal command for the weeding of the Chief's fields. Mavuso's defence is that he cannot leave his own fields, he is a commercial farmer on a large scale. The Chief however, cites the *kuhlehla* custom and argues that this is a custom which has been observed by all Swazis from time immemorial, and that Mavuso is under obligation to observe the custom. Mavuso has been advised by a friend that he can challenge the Chief under the constitution.

Advise Mavuso. (25 marks)

**QUESTION 3**

Swazi Courts have been perceived as not dispensing justice as the Roman-Dutch Law Courts do.

Discuss giving examples. (25 marks)

**QUESTION 4**

As a law reformist what possible law reform proposals would you suggest regarding the Swazi Customary practices of "levirate" (*Kungenwa*). (25 marks)

**QUESTION 5**

Dlamini is heavily indebted to Shabangu, who has suggested that if Dlamini gave him his 18 year old daughter as a wife he would cancel the debt. Dlamini has agreed to this and is making preparations to *kwenzisa* his daughter to Shabangu.

Dlamini's wife and daughter are vehemently against this, they have approached you for advise. (25 marks)