

UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE  
DEPARTMENT OF LAW  
SUPPLEMENTARY EXAMINATION  
JULY 2012

258

- TITLE OF PAPER:** PUBLIC INTERNATIONAL LAW
- COURSE CODE:** L406
- TIME ALLOWED:** THREE (3) HOURS
- INSTRUCTIONS:**
- (a) ANSWER ANY FOUR QUESTIONS.
  - (b) EACH QUESTION CARRIES A TOTAL OF 25 MARKS.
  - (c) THE CONTENT OF YOUR ANSWERS, CLARITY OF EXPRESSION AND LEGIBILITY OF YOUR HANDWRITING ARE ALL EXTREMELY ESSENTIAL.

**DO NOT OPEN THIS PAPER UNTIL SO PERMITTED BY THE INVIGILATOR.**

### **Question One**

The 'state' of Somaliland has a chequered history. Ever since its separation and unilateral declaration of independence from Somalia, the world continues to refuse to recognise it as a state. Using the criteria for state recognition laid out by international law, advance the case for the recognition of Somaliland.

**(25 Marks)**

### **Question Two**

Based on the recent wave of police killings in the country, draft a brief but concise communication to the African Commission on Human and Peoples' Rights. You are bringing this communication on behalf of the victims in the name of your organisation, the Centre for Human Rights.

**(25 Marks)**

### **Question Three**

Differentiate between signing, ratification, domestication and reservation of treaties.

**(25 Marks)**

### **Question Four**

At the height of the Arab spring, Gangadza, an elusive Swazi youth activist embarked on a Facebook mission to bring about regime change in Swaziland. In his Facebook and Twitter broadcasts in the run up to and during the famed April 12 Uprising in the year 2011, Gangadza was successful in bringing fear to the minds of a large section of the public, whilst managing to bring hope to pro-democracy activists. Gangadza was successful in organising a well attended protest march, whose epicentre was the Manzini bus rank. Gangadza was viewed as a threat by the Government of Swaziland, and his actions were even debated in parliament. In a raid organised by the police soon after the Uprising, several explosives were found in Gangadza's home in Lundzi, and a warrant of arrest was obtained. When Gangadza caught wind of the outstanding warrant, he escaped from the country. He was reportedly seen in downtown Johannesburg, where he worked at a car wash business. Interrogations conducted by police on Gangadza's friends indicated that Gangadza had led the group that fatally assaulted a police officer at the Manzini bus rank during the uprising, and that in his Facebook and Twitter broadcasts he had insulted the King.

The office of the Attorney General now requires your advise on whether Gangadza can be extradited from South Africa to stand trial in Swaziland for (i) murder, (ii) insulting the king, (iii) inducing terror in the minds of people.

**(25 Marks)**

**Question Five**

Write short notes on the following:

- (a) *Jure gestionis*. **(5)**
- (b) The Pact of Paris. **(5)**
- (c) Archipelagic waters. **(10)**
- (d) Monism. **(5)**

(N.B. Use sketches where you deem fit)