

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**SUPPLEMENTARY EXAMINATIONS, JULY 2013**

**TITLE OF PAPER** : **PUBLIC INTERNATIONAL LAW**

**COURSE CODE** : **L 406**

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

**INSTRUCTIONS** :

- 1. THIS PAPER CONSISTS OF A TOTAL OF FIVE QUESTIONS, IN TWO SECTIONS, A AND B.**
- 2. QUESTION ONE IN SECTION A IS COMPULSORY.**
- 3. ATTEMPT ANY ADDITIONAL THREE QUESTIONS FROM SECTION B.**
- 4. ATTEMPT A TOTAL OF FOUR QUESTIONS, INCLUDING QUESTION ONE.**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEE GIVEN BY THE INVIGILATOR.**

**SECTION A:****THIS QUESTION IS COMPULSORY****QUESTION ONE**

The land-locked Republic of Gopaland is heavily dependent on neighbouring Ruritania's harbor known as Port Saif, for foreign trade.

Ruritania's government has been in power for the last 29 years. However, during this period, though it has held elections every five years in accordance with the country's constitution, the elections have, allegedly been regularly rigged by the ruling National People's Party. The regime is also said to be very brutal towards its citizens.

The Ruritania Movement (hereinafter the Movement), based in Gopaland, is intent on ousting the Ruritania regime by whatever means possible. Indeed, during the past two years, the Movement has had a considerable number of armed incursions into Ruritania's border towns, in which they have thrown grenades at various police posts. Twelve innocent police officers have consequently died.

The Ruritania government has engaged the government of Gopaland in talks over the matter, demanding that Gopaland disbands the Movement's military bases from its (Gopaland's) territory, and expels all the Movement rebels; but the Gopaland government says they are unaware of any such military bases or rebels, and will also not interfere in matters of self-determination of the people of Ruritania.

In alleged anticipatory self-defence, Ruritania jet fighters have subsequently bombed those Gopaland towns where the Movement is said to have its bases. Scores of innocent Gopaland citizens have died. In addition, Ruritania has now prohibited Gopaland from accessing Port Saif.

Referring to authority, discuss all legal issues and advise Gopaland as to their rights and possible remedies.

[25 marks]

**SECTION B****ATTEMPT ANY THREE QUESTIONS FROM THIS SECTION****QUESTION TWO**

It has been said that the inconclusiveness of the constitutive and declaratory schools, in unilateral recognition, underlines the reality that there is, on the whole, no articulate legal basis for recognition of states in international law.

Do you agree? Explain, referring to relevant learned literature and specific examples.

[25 marks]

### **QUESTION THREE**

Explain and critically discuss the operations of the International Court of Justice under Article 36(2) (optional clause) of the Court's statute.

[25 marks]

### **QUESTION FOUR**

Distinguish between treaty law and customary law in international law.

[25 marks]

### **QUESTION FIVE**

- a) It has been said that while the relationship between international law and municipal law is articulately spelt out in Angola and South Africa, in Swaziland it is largely uncertain.

Do you agree? Explain.

(15 marks)

- b) Briefly discuss the law pertaining to piracy in international law.

(10 marks)

[25 marks]

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