

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION, MAY 2017**

- TITLE OF PAPER :**                   **THE PRINCIPLES OF SWAZI LAW AND  
CUSTOM**
- COURSE CODE :**                   **LAW 106**
- 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.**

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INVIGILATOR.**

### **QUESTION 1**

Dube married LaMabuza in accordance with Swazi Law and Custom in 2010. In 2015 at the insistence of LaMabuza, who had converted to the Christian faith, they went through another ceremony of marriage in accordance with the Marriage Act No. 47 of 1964. In 2016 Dube married LaCeko in accordance with Swazi Law and Custom.

What is the status of the second marriage?

[25 MARKS]

### **QUESTION 2**

Mhlanga married two of his wives, LaMavuso and LaShongwe in accordance with Swazi Law and Custom in 1970. Due to Mhlanga's abuse of both wives, which included physical as well as mental and general harassment both women deserted their matrimonial home returning to their parental homes in the year 2000. LaMavuso had six children with Mhlanga while LaShongwe had eight. In 2007 Mhlanga married Loncwala under the Marriage Act No. 47 of 1964.

Mhlanga has now died and a legal battle has ensued between the three women with Loncwala claiming to be legally married to Mhlanga and thus entitled to inherit the entire estate of the deceased.

Discuss the problem and give your legal opinion.

[25 MARKS]

### **QUESTION 3**

Fakudze is working at the Maintenance department of UNISWA. He has a tiff with Ndwandwe, a co-worker with whom they've had a long running relationship of mistrust suspicion and bad blood. The basis of which is that Fakudze believes that Ndwandwe is practising witchcraft on him. Last month Fakudze was instructed by his Supervisor to do some maintenance work in one of the students' blocks. Fakudze flatly refused to set foot in that block on the allegations that he saw Ndwandwe sprinkle some white powder substance on the main entrance to the block. He told the supervisor that he feared for his life and that therefore he will not go anywhere near the block, moreso, since he would have to walk/pass over the place where he saw Ndwandwe sprinkle the powder.

Fakudze has now been summoned to a disciplinary hearing on the ground of insubordination.

He seeks your advise.

[25 MARKS]

### **QUESTION 4**

LaMotsa is desirous of getting a piece of land in order to build a homestead for herself and her three girl children. She fell in love with Motshane which is a beautiful place in the Highveld with good rains and plenty grass for livestock, with rivers flowing

throughout the year. LaZondi her friend tell that she should forget getting a piece of land through customary land tenure system since:

- (i) She has no husband and
- (ii) She has no boy child.

LaMotsa is not convinced by her friends advice, she believes that the constitution is on her side.

Is she right? Advise her supporting your answer with constitutional provisions and other relevant authorities if any. [25 MARKS]

### **QUESTION 5**

Customary law is seen as a hindrance to the promotion, protection and realisation of human rights in Swaziland.

Discuss. [25 MARKS]