

**UNIVERSITY OF ESWATINI**  
**FACULTY OF SOCIAL SCIENCES**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION PAPER (MAIN)**  
**YEAR: 2018/2019**

**TITLE OF PAPER : PUBLIC INTERNATIONAL LAW**

**COURSE CODE : LAW409**

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

**INSTRUCTIONS:**

- (i) ANSWER ANY FOUR (4) QUESTIONS.**
- (ii) EACH QUESTION CARRIES 25 MARKS.**
- (iii) IN ANSWERING ANY QUESTION, NOTE THAT THE QUALITY OF THE CONTENT, CLARITY OF EXPRESSION AND LEGIBILITY OF HANDWRITING ARE ABSOLUTELY ESSENTIAL.**
- (iv) USE LEGAL AUTHORITIES TO SUBSTANTIATE YOUR ANSWERS.**

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

## **QUESTION ONE**

The Kingdom of Colorado got its independence in 1989. Three principal ethnic groups, the Rasp Arians, the Arizonians and the Katangese, populate the Kingdom. The ethnic groups have distinct languages, religions and cultures, although they are physically indistinguishable. About 50% of the population comprises Rasp Arians, 20% Arizonians, 10% Katangese and 20% 'mixed' or 'other'. Most Katangese have historically lived in the Upland Plateau, a geographically self-contained district making up approximately 30% of the total area of the country. The Katangese generally view the Upland Plateau as the centre of their ethnic culture and their most important religious and historic sites are located there. The Upland Plateau is fast developing and over the last 10 years investors from First World Countries have made massive investments in that area because its highly advanced infrastructure and rich mineral deposits. The Upland Plateau has become a major revenue earner for the entire Kingdom of Colorado. About 70% of the income which the country generates comes from the Upland Plateau.

Over the years since independence, the Katangese in the Upland Plateau have been denied the right to vote for their representatives in the government of the Kingdom. The Katangese have on several occasions been arrested, detained and subjected to harsh prison conditions for planning peaceful demonstrations. However in the recently held elections, the central government, conscious of the economic influence that the Upland Plateau is making in the national budget, allowed the Katangese to vote for their representatives. The Katangese now hold about 50% of the political offices in the Kingdom. The Katangese now seek to secede from the Kingdom of Colorado and create a new state. Their argument is that their region is an economic powerhouse and if they can have their own government they can take the Upland Plateau to "First World Status" within four years.

**Critically examine the validity or invalidity of the Katangese's secessionist claim.**

**[25 Marks]**

## **QUESTION TWO**

In the context of any of the basis for persecution or a well-founded fear of persecution outlined in the Convention Relating to the Status of Refugees of 1951 (the 1951 Convention) that you deem relevant and on account of the following newspaper item, assess whether the Swazi political activists in the Republic of South Africa are eligible for a grant of asylum.

### **Democratic Front lends its voice in activists' plight**

**Mbabane** – Coordinator of the Swaziland United Democratic Front, WD, said they fully support the three Swazi political activists in South Africa as they fight to stay in that country. D said Swaziland had a political problem which has time and again led to a number of political activists being forced out of the country a number of times. D condemned the action of the South African government to deny them asylum.

"It is an unfortunate position that can be taken by that country because they, themselves, are fresh from exile. They are our neighbours and up to date with what is going on in Swaziland. They have an embassy here which I assume updates them daily on what is going on in the country." D said.

He further condemned the recent judgment delivered at the High Court where a journalist and a lawyer were found guilty of contempt of court. He said if the comrades were taken back to Swaziland, their situation would be dangerous.

He said they would risk being tortured and their rights being undermined in a big way. He said the SA Government should continue to accommodate them.

"I think it is against international law for South Africa to deny them asylum. They are fresh from asylum themselves. We find that very unfortunate on their part" D said.

[Sibongile Sukati, "Democratic Front lends its voice in activists' plight", Times of Swaziland, Wednesday, July 30, 2014, page 5]

[25 Marks]

### **QUESTION THREE**

Critically discuss the traditional principles governing the acquisition and loss of territory and how the courts have used these principles in resolving boundary disputes.

[25Marks]

### **QUESTION FOUR**

Critically examine the views held about the purpose and consequences of recognition of an entity claiming statehood.

[25Marks]

### **QUESTION FIVE**

(a) Discuss custom as a source of public international law.

[10Marks]

(b) Discuss conquest as a mode of acquisition of territory

[15 Marks]

[25Marks]

=====END OF PAPER=====