



UNIVERSITY OF ESWATINI

FIRST SEMESTER MAIN EXAMINATION PAPER, NOVEMBER 2019

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LAW

COURSE CODE: LAW409

TITLE OF PAPER: PUBLIC INTERNATIONAL LAW I

TIME ALLOWED: 3 HOURS

Instructions

1. Answer any four (4) questions.
2. Each question carries a total of 25 marks.
3. In answering any question, note that the quality of the content, clarity of expression and legibility of handwriting are absolutely essential.
4. Refer to legal authority to support your answers.

*Candidates may complete the front cover of their answer book when instructed by the Chief Invigilator and sign their examination attendance cards but must **NOT** write anything else until the start of the examination period is announced.*

No electronic devices capable of storing and retrieving text, including electronic dictionaries and any form of foreign material may be used while in the examination room.

DO NOT turn examination paper over until instructed to do so.

QUESTION ONE

(a) Mr Zacharias is a national of Nice. His country is engaged in armed conflict. He fled his country with the intention of seeking asylum in eSwatini. He was turned away at the Oshoek border post by a certain immigration officer on the ground that international law permits a sovereign state to forbid the entrance of foreign aliens into its territory or to admit them only in such cases and on such conditions as it may deem fit to prescribe. He has been advised that, in view of his circumstances, he gain access to the eSwatini territory under the laws of eSwatini.

Advise him of the applicable principle, its basis and the conditions which must exist in order for an asylum-seeker to be availed of this principle under Swati law.

YOUR ANSWER SHOULD NOT EXCEED ONE PAGE.

[10 MARKS]

(b) Mrs Kabuika qualified for refugee status under the Refugee Act of 2017. She is insecure because she has been informed that a person may cease to be a refugee under the Act. She has approached you in your capacity as Commissioner for Refugees for advice on the situations which may lead to the cessation of refugee status.

Render the advice.

YOUR ANSWER SHOULD NOT EXCEED ONE PAGE.

[15MARKS]

[25MARKS]

QUESTION TWO

Mr Dlomo is a South African national who committed murder in eSwatini and fled to the Republic of South Africa. Murder is an offence which carries a sentence of death in eSwatini. Despite that there is an Extradition Agreement between the Republic of South Africa and eSwatini, the South African Government is adamant that it will not extradite Mr Dlomo to eSwatini. The eSwatini Government is confused by South Africa's conduct.

With the aid of South African legal authority, fully advise the Government of eSwatini on what could be the basis for the reluctance of the South African Government to extradite Mr Dlomo.

YOUR ANSWER SHOULD NOT EXCEED TWO AND A HALF PAGES

[25MARKS]

QUESTION THREE

(a) With reference to legal authority, discuss how an international agreement executed by the Government of eSwatini become binding on eSwatini on the international plane.

YOUR ANSWER SHOULD NOT EXCEED ONE PAGE

[10 MARKS]

(b) With reference to relevant legislation and case law, discuss how an international agreement becomes law in eSwatini.

YOUR ANSWER SHOULD NOT EXCEED ONE PAGE

[15 MARKS]

[25MARKS]

QUESTION FOUR

Address the question whether international law does have a law-making body, an executive power and a judicial system.

YOUR ANSWER SHOULD NOT EXCEED TWO PAGES

[25MARKS]

QUESTION FIVE

The Kingdom of Amazon got its independence in 2002. 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. Katangese generally think of the Upland Plateau as the centre of their ethnic culture and their most important religious and historic sites are located there.

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. In the last three years, the central government has not included the Upland Plateau in the national budget. The Katangese's attempts to seek redress in the Courts, which are mostly composed of judges who are Rasp Arians, have failed. The Katangese now seek to secede from the Kingdom of Amazon and create a new state. They have been advised that their purported secession would be in violation of the principle of territorial integrity.

Discuss the basis for and validity of the Katangese's secessionist claim.

YOUR ANSWER SHOULD NOT EXCEED TWO AND A HALF PAGES

[25 Marks]

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