

8:30

05/01/06

F. HALL

EXAMS OFFICE
USE ONLY

University of the Witwatersrand, Johannesburg

Course or topic No(s)

LAWS355/368

Course topic names(s)
Paper Number & title

PUBLIC INTERNATIONAL LAW

Examination / Test* to be held during
month(s) of (*delete as applicable)

JANUARY 2006
SUPPLEMENATY/DEFERRED

Year of study
(Art & Science leave blank)

Degrees / Diplomas for which this course is prescribed
(BSc (Eng) should indicate which branch)

LLB

Faculty/ies presenting candidates

COMMERCE, LAW AND MANAGEMENT

Internal examiner(s)
and telephone extension
number(s)

PROFESSOR G ABRAHAM (X 78459)
MR K MALUNGA (X 78446)
MR S GUMEDZE (X 78463)

External examiner(s)

PROFESSOR H A STRYDOM

Special materials required (graph/music/drawing
paper maps, diagrams, tables, computer cards, etc)

Time allowance

Course no: 355/368 Hours: 2

Instructions to candidates
Examiners may wish to use this space to indicate,
inter alia,
the contribution made by this
examination or test towards the year mark, if
appropriate

**PLEASE ENSURE THAT YOU HAVE
WRITTEN THE NAME OF YOUR
LECTURER ON THE FRONT
COVER OF YOUR EXAMINATION
SCRIPT.**

**THE EXAMINATION
CONSTITUTES 100 % OF THE
FINAL MARK FOR THIS COURSE.**

**STUDENTS ARE REQUIRED TO
ANSWER ANY FOUR QUESTIONS.**

**Internal Examiners or Heads of
Departments are requested to sign
the declaration overleaf**

Please ensure that you have written the name of your lecturer on the front cover of your examination script.

The examination constitutes 100 % of the final mark for this course.

Students are required to answer any FOUR of the following questions:

1. Is 'public international law' law? Substantiate your answer. [10]
2. What do you understand by the concepts of 'Monism' and 'Dualism'? Illustrate your answer by reference to the manner in which contemporary South Africa handles treaties and customary international law. [10]
3. Assume that a rebel leader in the Democratic Republic of the Congo, fearful of his capture, has fled across the border into Rwanda. In Rwanda he attempts to organise other Congolese refugees sympathetic to his cause into a force with a view once again of returning to the Congo in order to oust the Kabila government. Hearing of these events, agents of the Kabila government enter Rwanda and arrest the rebel. The rebel is then brought to Kinshasa for trial. Does the Congolese government have jurisdiction to try the rebel leader for treason? Justify your answer by way of reference to the principles of jurisdiction relevant in this case. [10]
4. In contemplating the cause for, and implications of, the Rwandan genocide, Nigeria's prize-winning writer and political satirist, Wole Soyinka has commented: 'We should sit down with square-rule and compass and redesign the boundaries of African nations.' To what extent, if at all, would international law be sympathetic of such an exercise? [10]
5. The Romans, who knew much about both law and war, coined the phrase '*inter arma silent leges*' ('between armies the law is silent'). Does this phrase accurately reflect the current state of public international law? [10]

TOTAL [40]