



PROGRAM: LL.B
BA (LAW)
BCOM (LAW)
BA (INTERNATIONAL RELATIONS)

MODULE: **PUBLIC INTERNATIONAL LAW**

CODE: **INL41AO**

DATE: JUNE EXAMINATION

DURATION: 4 HOURS

VENUE: ONLINE

SUBMISSION: [BLACKBOARD](#)

TOTAL MARKS: 60

EXAMINER: PROF MR PHOOKO

INTERNAL MODERATOR: DR S NCUBE

EXTERNAL MODERATOR: DR FD MNYONGANI

NUMBER OF PAGES: 4 PAGES

INSTRUCTIONS TO CANDIDATES:

PUBLIC INTERNATIONAL LAW (INL41AO)

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- The semester test paper will be placed on Blackboard, and you must then download it.
 - Your answers to the questions must be typed in or written out on a separate document.
 - You must then submit your answer script on Blackboard.
 - You may e-mail it to rphooko@uj.ac.za if you experience any challenges during the submission process.
 - Your script may be typed or written out and photographed; we are sensitive to technological issues students may experience, and are therefore flexible in this regard.
 - Please indicate very clearly which questions you are answering.
 - Plan your answers carefully: the mark allocation for a specific question will give you an idea as to the level of detail expected in your answer.
 - The semester test will be an open-book: you may therefore use prescribed study material to substantiate your answers. When quoting directly from a source, place it in quotation marks.
 - You may NOT get assistance from fellow students or communicate answers to one another. Please take note that the Law Faculty takes a zero-tolerance approach to plagiarism, sharing of exam answers, or unauthorised assistance by anyone else in writing the semester.
 - Your answers will be tested for plagiarism in general and in respect of the answers of other students.
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QUESTION ONE

Following a declaration of independence from Britain, South Africa embarked on a new process to mark its territorial borders. In a process of doing so, South Africa took a portion of land belonging to Botswana. Consequently, a legal dispute arose concerning the border between the two countries. At one point the situation escalates and Botswana threatens to enforce its rights through bombing parts of South Africa. South Africa responds by bombing strategic military targets in Botswana.

Discuss the legality of the attack of Botswana on South Africa in the light of public international law. Your answer **should NOT** exceed two pages. (15)

[15]

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QUESTION 2

The International Court of Justice (ICJ) does not have compulsory jurisdiction. Explain the circumstances under which the ICJ has jurisdiction to settle an inter-state dispute.

[5]

QUESTION TWO

Critically discuss whether Somaliland satisfies the criteria for statehood required under contemporary international law. Your answer **should NOT** exceed two pages. (15)

[15]

QUESTION THREE

Discuss the role of the African Union Commission on International Law (AUCIL)? In your view, is the AUCIL effective? (10)

[10]

QUESTION FOUR

"The rules regarding the persistent and subsequent objector reveal a critical weakness at the heart of international law. If a state can avoid being bound by any rule of customary international law, including a rule that achieves *jus cogens* standing, then international law cannot really be described as 'law'." Critically assess the above statement, using examples from case law and state practice.

[10]

QUESTION FIVE

What are the methods of resolving conflicts under international law? (5)

[5]

TOTAL:

[60]
