

INSTRUCTIONS TO CANDIDATES:

- This examination is **closed book**.
- Read all questions carefully.
- Answer the questions for **Part A** in **one examination booklet** and the questions for **Part B** in **another examination booklet**. Your responses to Part A and Part B should be in **separate examination booklets**.
- Answer all the questions in **each part**.
- 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.
- Refer to relevant authorities.

PART A

QUESTION ONE

Answer the following questions:

- 1.1. Explain the principle of self-determination. (3)
- 1.2. Discuss how the principle of self-determination is relevant to statehood and recognition under international law. (5)

[8]

QUESTION TWO

Explain what *jus cogens* norms are, and provide an example.

[3]

QUESTION THREE

Answer the following questions:

- 3.1. What is an internationally wrongful act? (4)
- 3.2. List and define the **three (3)** types of reparations that are consequences for internationally wrongful acts. (6)

[10]

QUESTION FOUR

Explain the concept of diplomatic and consular asylum. State if this concept is sanctioned by any international treaties or conventions.

[3]

QUESTION FIVE

Define and discuss the following terms:

- a. Aggression (4)
- b. Universal jurisdiction (2)

[6]

PART A TOTAL

[30]

END OF PART A

PART B**QUESTION ONE**

Answer the following questions:

- 1.1 Identify the principle of jurisdiction that would be the most appropriate for South Africa to rely on to charge a person that planned a terrorist attack in Mozambique, which attack was carried out in Johannesburg. Substantiate your answer. (2)
- 1.2 Differentiate between the principles of (active) nationality and passive personality. Provide examples for the principles to illustrate their differences. (6)

[8]

QUESTION TWO

South Africa's Minister of International Relations and Cooperation's and Botswana's Minister of Foreign Affairs concluded a verbal treaty for the supply of energy in both countries.

In light of the above, answer the following question: is the verbal agreement valid? Substantiate your answer using a relevant treaty and case law. Your answer **should NOT** exceed one page. (10)

[10]

QUESTION THREE

Amina is an 18 year old who flees her home village in a country known as Tiweni to Durban in South Africa. She alleges that she was held in captive in a camp and gang raped. According to her, all her family members were killed by her own neighbours. Amina managed to be smuggled to Spain where she presented an asylum application. She claims that she is afraid to return into her country because all her ethnic group is being wiped out by the rebels.

As a law student who is familiar with international law, you are approached by a non-governmental organization to write a memo addressing whether or not Amina may be considered a refugee according to the 1951 Refugee Convention. (10)

[10]

QUESTION FOUR

What is an inquiry? (2)

[2]

PART B TOTAL [30]

END OF PART B

EXAM TOTAL [60]