INSTRUCTIONS

1. Please make sure that your writing is legible.
2. This papers consists of THREE (3) pages. Please ensure you have all the pages.
3. There are four (4) questions in this examination.
4. **You must answer three (3) questions only.**
5. Refer at all times to relevant case law.
QUESTION 1

You are approached for advice by an irate Mr Johnson, who is a South Africa citizen, living in Sandton City, Gauteng. He tells you that until the beginning of this year he owned 10 large farms (valued at over R15 million) in Zimbabwe and held the rights to mine a range of minerals in the same country. At the beginning of the year, however, he tells you further, the Zimbabwean government adopted a policy in terms of which it expropriated all of the farms owned by non-Zimbabweans and terminated all of the mining rights held by the same group of people. Following the expropriation of his farms and the termination of his mining rights, Mr Johnson was paid a total of R500 in consideration.

Disgusted with this amount, he then approached the Department of International Relations and Cooperation in South Africa to intervene on his behalf and force the Zimbabwean government either to exclude him from the policy, or to pay him full market value for the farms and mining rights. The Department of International Relations and Cooperation agreed to do so and wrote a letter to the Zimbabwean President urging the Zimbabwean government to pay Mr Johnson full market value for his farms and mining rights. Unfortunately, the Zimbabwean President dismissed this request out of hand and the Department has refused to engage with Mr Johnson any further on the matter, despite various letters he has written to the South African government.

Mr Johnson now wants to sue the South African government for damages on the basis that it did not adequately protect his interests in Zimbabwe. He wants to know what his prospects of success are. Advise him.

[Total Q1: 20 Marks]

QUESTION 2

Discuss the following concepts in relation to the making of treaties in International Law:

i) The significance of treaties in International Law.
ii) The process of treaty making.
iii) Reservations.
iv) The invalidity of treaties.

[Total Q2: 20 Marks]
QUESTION 3

Discuss what is meant by the following two concepts: (a) ‘crimes against humanity’; and (b) ‘war crimes’.

[Total Q3: 20 Marks]

QUESTION 4

President Al Bassa is the President of the Democratic People’s Republic of Botan. He has been indicted by the International Criminal Court (ICC) for war crimes and crimes against humanity. These crimes are alleged to have been committed over a period of ten years against the nationals of Botan. The ICC has issued a warrant for his arrest.

In October 2015, President Al Bassa was invited to attend a celebration held in honour of the South African President’s 70th birthday. This celebration was held at the Union Buildings in Pretoria. South Africa is party to the Rome Statute and, as such, is required to surrender President Al Bassa to the ICC. Despite this obligation, President Al Bassa was not arrested while he was in South Africa attending the President’s birthday celebration. Instead, he was assisted by the government to exit the country.

A civil rights group, Lawyers Without Borders, now wishes to pursue the matter by launching a court challenge. Lawyers Without Borders believes that the South African government has failed to comply with its obligations in terms of the Rome Statute. Advise Lawyers Without Borders on the correct legal position.

[Total Q4: 20 Marks]

TOTAL FOR PAPER: 60 MARKS