

NATIONAL UNIVERSITY OF LESOTHO
FACULTY OF LAW
LL. B SUPPLEMENTARY EXAMINATIONS
L4308 – JURISPRUDENCE

AUGUST 2023

MARKS: 100

TIME: 3 HOURS

INSTRUCTIONS

1. There are 6 Questions.
2. Answer any **FOUR (4)** Questions.
3. All questions carry equal marks.

QUESTION 1

Aspiration 6 of Agenda 2063 calls for “An Africa, whose development is people-driven, relying on the potential of African people, especially its women.” Agenda 2063 therefore requires “we live in a more inclusive society where all the citizens are actively involved in decision making in all aspects and where no...woman... is left behind or excluded, on the basis of gender...or other factors.”

Article 3 of the Protocol on Amendments of the Constitutive Act of the African Union recognises the critical role of women in promoting inclusive development and calls for the AU “to ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas.” We gather from these regional instruments that the AU recognises gender equality as a fundamental human right and an integral part of regional integration, economic growth and social development.

In your opinion, has there been any meaningful progress to enforce this right to equality in Southern Africa? Give 5 practical reasons for your answer.

[25 MARKS]

QUESTION 2

“Discrimination based on gender is a common pandemic in spite of progress made in many countries to cure it.”

With the aid of international legal instruments, jurisprudence and case law, critically discuss the above statement.

[25 MARKS]

QUESTION 3

The government of country X recently made a public announcement proclaiming that “Marriage is between a man and a woman. To change that would go against natural law and to legalize same sex marriages is a denial of marriage’s role of procreation. This nation will never legalize such a marriage, it is contrary to the laws of nature and customary law practices of this country.” In fury, the LGBTQTI+ community issued a commentary on national television arguing that “equal rights must mean equal rights. If you do not legalize same-sex marriages, we will fight all the way to the international courts.”

You are a legal theorist, using case law and other relevant jurisprudence, write an opinion letter to the government of country X, advising government on whether they should or should not legislatively safeguard the human rights of LGBTQTI+ people.

[25 MARKS]

QUESTION 4

Se Moshoeshoe is an African concept that represents unique African values and principles for unique African problems.

- a. Discuss this concept. **10 Marks**
- b. In your opinion how can policy makers incorporate the jurisprudence of *se Moshoeshoe* in the design of law and policy to enhance justice and peace in Lesotho? **15 Marks**

[25 MARKS]

QUESTION 5

Various courts applied the jurisprudence of *Ubuntu* in a Constitutional democracy to legitimize judicial decisions. Give 5 instances where courts have applied this concept of *Ubuntu*.

[25 MARKS]

QUESTION 6

Write short notes explaining the following:

a. Family as a social Unit

5 Marks

b. Difference principle

10 Marks

c. Radical feminism

10 Marks

[25 MARKS]