

**NATIONAL UNIVERSITY OF LESOTHO**  
**FACULTY OF LAW**  
**LL.B SEMESTER 1 FINAL EXAMINATION**  
**L3303 – INTERNATIONAL LAW**

**JANUARY 2024**

**MARKS: 100**

**TIME: 3 HOURS**

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**INSTRUCTIONS:**

1. This paper contains six questions.
2. You are required to answer any **FOUR (4)** questions.
3. All questions carry equal marks.

**QUESTION 1**

Identify and explain five ways to either gain or lose territory under international law.

**[25 MARKS]**

**QUESTION 2**

Siera, a region in Magna, West Africa, breaks away from the state. Mr. Arnold is proclaimed as the President of the new state of Siera. This state is not recognised by any other state because it does not have defined boundaries and cannot conduct diplomatic relations. Various officials have descended into Magna to try to mediate in the dispute and to restore order to the state of Magna. At a dinner in Bamako, the capital city of Magna, Mr. Arnold discusses the deteriorating health sector in Siera with the American President. The President promises to send aid to help build hospitals and clinics in the region. Subsequently, Mr. Arnold alleges that the promise constituted a treaty between the state of Siera and the USA.

Critically discuss whether a valid treaty exists between the state of Siera and the USA.

**[25 MARKS]**

**QUESTION 3**

With reference to the sources of international law, and with the use of decided cases, critically discuss the importance of “consent” in the formation of rules of international law.

**[25 MARKS]**

**QUESTION 4**

John is a British citizen. Along with a group of twelve other men, he hijacked an Israeli vessel that was passing through Greek territorial waters. They took the passengers and crew on board as hostages. Charley, an American citizen, was shot and killed while trying to escape the ship. The group later escaped taking valuable jewels that were being conveyed by the vessel. John subsequently

escaped to China where he spent five years at large before his whereabouts were discovered. He has been apprehended by the Chinese authorities.

England, Israel, Greece, the United States and China all claim entitlement to exercise jurisdiction over John's crime. Explain whether, and on what basis, each State would be entitled to exercise criminal jurisdiction. You must use relevant cases to support your answers.

**[25 MARKS]**

### **QUESTION 5**

Analyse the territorial claims by some Basotho for part of South Africa, considering its historical context, legal aspects and potential resolutions.

**[25 MARKS]**

### **QUESTION 6**

Your classmate strongly asserts that "Austin, Holland and those of their times were correct to deem international law as not law" Argue for or against this assertion.

**[25 MARKS]**