

### PIL Class Test, 31 August 2023 – Marking Memorandum

- Please note that this is a guide to the lecturers. Lecturers had discretion especially when it comes to theory questions depending on the response given by the student on a particular question.
- Student responses must be clear, complete, understandable and appropriate.
- If just partial aspect of the question was accurately stated, or an incomplete but partly accurate definition was provided, a student was given ½ mark instead of the full mark.
- It is important to always read over your response closely to eliminate any errors/incorrect spellings. Incorrect spelling that indicates a different meaning/is not related to the intended word implies loss of marks.
- Students should study the memo carefully so that you come prepared for any consultation on the test with the lecturer that marked your script (*Questions 1, 2, 3 – Prof Meyersfeld; Questions 4, 5, 6 – Ms Sithole; Questions 7, 8, 9, 10 – Prof Chenwi*).
- The course coordinator WILL NOT deal with scripts/questions marked by colleagues (i.e. to discuss their scripts with the students).
- If there is an error with calculation of your total marks, consult/take the script to Prof Chenwi.
- **Students have until Tuesday 17 October 2023 to consult on the class test scripts**, after which the test script consultation period closes and PIL lecturers will no longer be in a position to consult on the test script.
- **Please read** any comments by the lecturer in your scripts carefully and work towards addressing the limitations in the way you respond to questions, so that you do not repeat same mistakes and lose marks in subsequent assessments.

1. Can the doctrine of *stare decisis* be invoked to oppose the application of a new rule of customary international law in South Africa? Explain your answer. [2 marks]

*Any two of the following to be clearly and completely stated to get full marks (1 mark each)*

- Doctrine of *stare decisis* cannot be invoked to oppose application of a new CIL rule.
- IL knows no rule of *stare decisis*.
- New rule of CIL will replace a previous rule of CIL that is inconsistent with it.
- Authority for this is *Kaffraria Property Co (Pty) Ltd v Zambia 1980*: considered the relationship between IL & municipal law, and whether rule of *stare decisis* exists in IL.

*½ mark if the following is completely stated: Customary international law rule must be consistent with Constitution and that will trump previous customary international law rule if inconsistent with the Constitution*

2. What are the three principal methods which the legislature may use to incorporate a treaty into South African law? [3 marks]

- Provisions of treaty can be embodied in the text of an act of parliament (1 mark)
- The treaty can be included as a schedule to a Statute (1 mark)
- Through proclamation or notice in the Government Gazette (1 mark)

3. What is the role of the South African parliament in the treaty making process in terms of section 231 of the Constitution of South Africa 1996? [3 marks]

- Parliament must approve by resolution international agreements (treaties) signed by the national executive. (1 mark)

# Extended 201paper 2 Marking Memo

**M Walker**



## Extended 201paper 2 Marking Memo:

*Reports of Decisions in Probate* California. Superior Court (San Francisco). Probate Department, James Vincent Coffey, Peter V. Ross, 1910      *Reports of Decisions in Probate* California. Superior Court (San Francisco City and County). Probate Dept, California. Superior court (San Francisco. Probate dept.), James Vincent Coffey, 1910      **Extending Russia** James Dobbins, Raphael S. Cohen, Nathan Chandler, Bryan Frederick, Edward Geist, Paul DeLuca, Forrest E. Morgan, Howard J. Shatz, Brent Williams, 2019-04-11 As the U S National Defense Strategy recognizes the United States is currently locked in a great power competition with Russia This report seeks to define areas where the United States can compete to its own advantage It examines Russian vulnerabilities and anxieties analyzes potential policy options to exploit them and assesses the associated benefits costs and risks as well as the likelihood of successful implementation      The Kingfish and His Realm William Ivy Hair, 1996 The best biography of Long written to date New Orleans Times Picayune A remarkable work Of all the biographies of Huey Long Hair s best captures the atmosphere of public life in the Pelican State Written with passion and mordant wit the book is literally hard to put down Reviews in American History Well proportioned and tartly written Hair s book is notable for its conceptualization and exhaustive research for its analysis of Long s extraordinary control of Louisiana and his role in national politics and for its interpretation of the Long phenomenon Journal of American History A masterly biography of the redneck messiah A consistently engrossing portrait Kirkus Reviews starred review A fascinating and highly readable look at the improbable rise and fortunate fall of one of the most dangerous politicians in American History San Francisco Chronicle      **The Spirit and Philosophy of Extension Work** Epsilon Sigma Phi, 1952      Extension of National Industrial Recovery Act United States. Congress. House. Committee on Ways and Means, 1935      *Prologue* , 1996      The Tongue and Quill , 1997      **Energy** , 1981      **The Generals** Thomas E. Ricks, 2012-10-30 A New York Times bestseller An epic history of the decline of American military leadership from the bestselling author of Fiasco and Churchill and Orwell While history has been kind to the American generals of World War II Marshall Eisenhower Patton and Bradley it has been less kind to the generals of the wars that followed such as Koster Franks Sanchez and Petraeus In The Generals Thomas E Ricks sets out to explain why that is In chronicling the widening gulf between performance and accountability among the top brass of the U S military Ricks tells the stories of great leaders and suspect ones generals who rose to the occasion and generals who failed themselves and their soldiers In Ricks s hands this story resounds with larger meaning about the transmission of values about strategic thinking and about the difference between an organization that learns and one that fails      *Parliamentary Papers* Great Britain. Parliament. House of Commons, 1919      **Book Auction Records** Frand Karslake, 1910 A priced and annotated annual record of international book auctions      **Resources in Education** , 1999-04      **The Weekly notes** , 1892      Energy: a Continuing Bibliography with Indexes , 1983      Alexander Federal Tax Service , 1942      The Everyday Cold War Chi-kwan Mark, 2017-10-05 In 1950 the British government accorded diplomatic

recognition to the newly founded People's Republic of China. But it took 22 years for Britain to establish full diplomatic relations with China. How far was Britain's China policy a failure until 1972? This book argues that Britain and China were involved in the everyday Cold War or a continuous process of contestation and cooperation that allowed them to normalize their confrontation in the absence of full diplomatic relations. From Vietnam and Taiwan to the mainland and Hong Kong, China's everyday Cold War against Britain was marked by diplomatic ritual, propaganda rhetoric and symbolic gestures. Rather than pursuing a failed policy of appeasement, British decision makers and diplomats regarded engagement or negotiation with China as the best way of fighting the everyday Cold War. Based on extensive British and Chinese archival sources, this book examines not only the high politics of Anglo-Chinese relations but also how the British diplomats experienced the Cold War at the local level.

**Title List of Documents Made Publicly Available** U.S. Nuclear Regulatory Commission, 1992

**The World War Two Reader** Gordon Martel, 2004 This comprehensive reader provides an overview of research in the study of the Second World War and includes chapters by some of the best known and most innovative scholars working today. It gives attention to the fighting of the war throughout the world.

*Sessional Papers* Great Britain. Parliament. House of Commons, 1900

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