



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW

EXAMINATION PAPER

COURSE CODE : LLB 204
COURSE TITLE : PUBLIC INTERNATIONAL LAW SUPP
DURATION : 3 Hours
DATE :

INSTRUCTIONS TO CANDIDATES:

1. Answer **FOUR** questions only.
2. Choose at least **ONE** question from each section.
3. Each question carries 25 Marks.
4. Start each question on a new page of your answer sheet.
5. Students may bring into the exam un-annotated and clean texts of the:
2013 Constitution of Zimbabwe,
Charter of the United Nations
Statute of the International Court of Justice.
Copies with notes inside shall not be allowed in the examination room and will be confiscated if found. No student is allowed to share his/her copy with another.

SECTION A

Question 1

Lupania and Nalia are two large provinces of the former colonised Chomolia. Since independence from colonial rule, the two provinces in 1960 have been involved in a border dispute. The dispute centres around underground oil on a strip Bonanzia. Both provinces insist that the strip was arbitrarily taken away from it by the former colonisers. The situation continues to be tense now, with threats of military action being made by both sides. Assuming that both parties call an end to the conflict and decide to divide Chomolia into two new states, namely Lupania Republic and Nalia Republic, respectively, what principles should be used to determine the new states? **[25 marks]**

Question 2

Article 2(4) of the United Nations Charter of 195 expressly states that:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

In addition, Article 51 states that:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

With reference to the above mentioned legislation, case law as well as applicable advisory opinions, give an exposition on the regulation of the use of force by States in Public International Law.

[25 marks]

SECTION B

Question 3

International law has been highly criticised for being fragmented and weak. Give an opinion on the criticism laid against international law. Your discussion must conclude by stating the status of international law in Zimbabwe. **[25 marks]**

Question 4

"The rules of law binding upon states...emanate from free will as expressed in convention or by usages generally accepted as expressing principles of law..." Lotus Case (France v Turkey) 1927 PCIJ Reports, Series A, No.10.

Discuss the above statement in the light of the sources of International Law. **[25 marks]**

Question 5

Assange is a member of a terrorist group and is on the wanted list in Zimbabwe on terrorism charges. Feeling that his arrest is imminent, he flees to Tanzania, where he settles. The Tanzanian authorities are aware of his presence in the country and allow him to remain there on a temporary residence permit. There is a valid extradition treaty between Zimbabwe and Tanzania.

The Zimbabwean police officer in charge of the case approaches his Tanzanian counterpart and asks if he can enter the country to apprehend Assange. The Tanzanian official refuses, saying that the correct procedure under the extradition treaty should be followed. Despite these instructions, the Zimbabwean police officer enter Tanzania by night, in uniform and apprehend Assange and bring him back to Zimbabwe where he is arrested and charged.

Analyse the facts given and discuss the factors having a bearing on the aforementioned extradition procedure. **[25 marks]**

*****END OF QUESTION PAPER*****