



“Investing in Africa’s future”

SCHOOL OF LAW

NLLB528: PUBLIC INTERNATIONAL LAW

END OF FIRST SEMESTER EXAMINATIONS

NOVEMBER 2024

LECTURER: DR. L. SITHOLE

DURATION: 3 HOURS

INSTRUCTIONS

Answer **four** questions - **Question 1 is compulsory.**

This exam carries a total of **100 Marks**

You are encouraged to provide appropriate references where necessary in
your work

SECTION A

THIS SECTION IS COMPULSORY

Question 1

In 2013-2014, in Ukraine, continuing protests related to the EU-Ukraine Association Agreement led to an escalation which left almost 200 civilians and 47 police officers dead. As a result, President Yanukovich, in favour of pro-Russian policies, lost political support, fled the country (to Russia), and members of Parliament then voted by majority to remove him. He was eventually succeeded by pro-European President Poroshenko. During this crisis, over a period of a few months, pro-Russian protesters in the east of Ukraine took control in the regions of Donetsk and Luhansk (together called Donbass), organized separatist forces and declared independence. Within a few months, armed violence erupted between separatist forces and the Ukrainian armed forces, lasting until the present.

Reports have shown that from the initial stages of the conflict in eastern Ukraine, Russia started to provide weapons to the separatist forces on a massive scale, and it built up its armed forces near the border with the Ukraine reaching a peak number of 30,000-40,000 troops. Further reports, regarding July-August 2014, have indicated that Russian armed forces engaged in cross-border shelling, that convoys of Russian military vehicles crossed into Ukraine repeatedly, that two columns of Russian tanks crossed the border and engaged Ukrainian border forces, and that over 1,000 Russian troops were operating in Ukraine. President Poroshenko has qualified the ongoing conflict, together with the occupation of Crimea, as a war against external aggression, and the Ukrainian Minister of Foreign Affairs spoke of an invasion. Russia denied their claims. NATO officials have qualified the events as an incursion rather than an invasion.

Considering the information as set out above,

a) Would Ukraine have been entitled to invoke and exercise a right of self-defence against Russia? In your answer, explain the concept of self-defence,

addressing the conditions for its exercise. Refer to relevant case law. **[20 Marks]**

b) What peaceful dispute resolution mechanisms are available to Russia and Ukraine under international law? **[20 Marks]**

SECTION B

ANSWER ANY THREE QUESTIONS FROM THIS SECTION

Question 2

Discuss the relationship between international law and domestic law in Zimbabwe, focusing on how Zimbabwe incorporates international legal obligations into its national legal framework. In your answer, explain the process of domesticating treaties under Zimbabwean law, referring to the Constitution and examples such as the Convention on the Rights of the Child (CRC). **[20 Marks]**

Question 3

South Sudan is the newest member of the East African Community, it is also referred to as the youngest nation in Africa after gaining independence on 9 July 2011. In light of this statement, discuss the criteria in international law that South Sudan had to meet to become a state. **[20 Marks]**

Question 4

Discuss the principle of immunity of state officials under international law, focusing on Head of State immunity. How has this principle evolved in the context of the Rome Statute and the increasing efforts to hold state leaders accountable for international crimes? Use examples such as the cases of Omar al-Bashir and other African leaders. **[20 Marks]**

Question 5

Define Territorial Sovereignty. In your answer, briefly explain the various modes of acquiring as well as modes of losing territorial sovereignty under International Law. **[20 Marks]**

END OF EXAMINATION