



"Investing in Africa's Future"

SCHOOL OF LAW

NLLB531: INTERNATIONAL HUMANITARIAN LAW

EXAMINATION

APRIL 2025

LECTURER: DR TC NHENGA

DURATION: 3 HRS

INSTRUCTIONS

1. Answer **Question 1** (which is compulsory) and any other two questions.
2. **Question 1** carries 50 marks and the other questions each carry 25 marks.
3. Credit is given for, well written and lucid work.

Question 1

Zarania once was a province of the Federal Republic of Africa. However, towards the end of the Cold War it was agreed that Zarania would become an independent State, and membership in the United Nations followed soon thereafter.

In February 2014 a widely supported movement for democratic reform removes Zarania's President Edison from power, and he is immediately replaced by Caledonia, who is to serve as interim President pending a process of nationwide elections. The new (interim) Head of State and his (interim) government is widely recognised by the international community, despite the fact that the removal of Edison was done in violation of Zarania's Constitution. Africa, however, is one of few States that still recognize Edison to be the Head of State.

Africa is of the opinion that the province of Manaland (in the south of Zarania) properly belongs to Africa. On the first of March 2014 Africa invades Manaland. It argues that Edison has given consent for this in his capacity as Head of State. Caledonia immediately protests against what he calls "an inexcusable violation of Zarania's territorial integrity and political independence." The invasion takes place so quickly that Africa is able to establish control over the entire province without firing a single bullet. Most of Zarania's forces present quickly leave the province before coming into contact with the enemy because they know they would not stand a chance against the Africans.

However, one small military base in Manaland is overrun by the Africans before its personnel had the chance to evacuate. The base consists of ten members of Zarania's regular armed forces, two supply contractors (carrying the necessary ID-cards), one member of the armed forces carrying an armband with a regular Red Cross emblem, and three civilians who are family members of the armed forces (two having Zaranian nationality, one having African nationality). Upon capture all of them claim to be POWs.

Zarania and the Federal Republic of Africa are party to all relevant International Humanitarian Law instruments.

- (a) With the aid of applicable cases and treaty law, how must the conflict be classified? **[20 marks]**
- (b) In case of uncertainty, what must Africaia do to determine the status of the captured persons for the purposes of International Humanitarian Law? **[15 marks]**
- (c) Determine the status of these persons and explain if they are considered “protected persons” in any of the Geneva Conventions of 1949. **[15 marks]**

Question 2

With the aid of examples and case law, critically examine the application and the interdependence of the four fundamental principles of humanitarian law in the context of modern-day armed conflict. **[25 marks]**

Question 3

Explore the protection of civilians, and prisoners of war with reference to international case law, treaty and customary international law in modern day war fare. **[25 marks]**

Question 4

“Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience.”

Discuss the centrality of the above principle in contemporary international military and humanitarian law. **[25 marks]**

Question 5

With the aid of examples, examine the role of international criminal tribunals, the international court of justice, and the regional courts of human rights in the development of international humanitarian law jurisprudence on armed conflict.

[25 marks]

TOTAL MARKS: 100
END OF QUESTION PAPER