



COLLEGE OF SOCIAL SCIENCES, THEOLOGY, HUMANITIES & EDUCATION

NHIR 316: LAW OF CONTRACT

END OF FIRST SEMESTER EXAMINATIONS

AUGUST/DECEMBER 2021

LECTURER: N. PINDUKA

DURATION: 5 HRS

INSTRUCTIONS

Answer **One (1)** question only

Credit will be awarded for logical, systematic and neat presentations

Question 1

You work for a non-profit making organisation called *Black and White Africa Youth Movement* as an International Legal Agreements Advisor. A case has been presented before you which requires your legal opinion. Almost three months ago, your organisation entered into a humanitarian agreement with *I-Mentor Africa*, an international non-profit making organisation. While the contract was concluded, the Director of your organisation has raised concerns in the manner in which certain events leading to the agreement transpired. A representative of your organisation who participated in the negotiating process noted that she felt pressure from *I-Mentor Africa* representatives although it was subtler. However, she noted that the conduct of *I-Mentor Africa*'s representatives impacted on her ability to exercise a free and independent judgement in the matter. Another representative of your organisation also noted that he was forced to agree to some of the dictates of *I-Mentor Africa* representatives who visited his home around 1 a.m. with well-known government officials who were in the presence of armed bodyguards. The Director of your organisation also noted that some of the clauses in the contract were reached without an honest belief in their truth at the time of the conclusion and is hence no longer aware of *I-Mentor Africa*'s intentions in the contract.

Based on the facts that have been presented to you above, prepare a legal opinion challenging the validity and enforceability of the contract that was signed between your organisation and *I-Mentor Africa*. (100 marks)

Question 2

As a general rule, for an agreement to be deemed valid at law, one party has to make an offer and the other has to accept it. Offer and acceptance are hence two essential elements that form the basis of a valid contract. As a renowned Contract Law Expert in Zimbabwe, you have been invited by the Institute for Democracy, Citizenship and Public Policy in Africa at the University of Cape Town as a Guest Lecturer to make a presentation on the characteristics of these two essential elements on the 6th of December 2021. Discuss the factors that you will consider in the presentation. Make reference to decided cases in your answer. (100 marks)

Question 3

You have been identified as the best Law of Contract student at Africa University by *High-Touch International Organisation*. The organisation has entered into various contracts with several locally and internationally based profit and non-profit organisations. However, the Board of Directors and Trustees has raised concerns in the manner in which some of the partners of the organisation have not been fulfilling certain contractual obligations and performances in accordance with the stipulated agreements. You have hence been asked by the Board of Directors and Trustees to prepare a comprehensive document detailing the specific forms of breach that are recognised by law and the remedies that are available to an innocent party in the event of breach of contract. Prepare such a document for the Board of Directors and Trustees to assist them with the best possible way to deal with the cases that are before them. (100 marks)

End of Paper