



HERBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS HONOURS DEGREE

LEVEL 5 SEMESTER 2

LEVEL 3 SEMESTER 2

EXAMINATION QUESTION PAPER

MODULE CODE	LLB611
MODULE NARRATION	ALTERNATIVE DISPUTE RESOLUTION
DATE	2024
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES:

1. Clearly number all the questions you are answering.
2. Question 1 in Section A is compulsory.
3. Answer two questions in section B.
4. Mark all answer sheets with your student number.
5. This Examination is out of 70 marks.
6. Candidates may bring unannotated copies of the Arbitration Act and the Arbitration (International Investments Disputes) Act into the examination room
7. This question paper is three pages long including the cover page.

SECTION A

This section is compulsory

Question 1

The Chitungwiza City Council owns an Olympic Pool and Training Centre which is managed by a Mr Charova. Until February 18, 2021 the facility had been used by both the Under Water Hockey Association of Zimbabwe and the National Synchronized Swimmers' Association. This has been possible because, up to now, the national teams of the respective associations have not made heavy use of the only available time in which the pool is closed to the public, that is, from 6:00am to 8:00am. Both groups have now decided to use Chitungwiza as the base for their Games training programmes and, as a consequence, they are claiming the right to the full two hour session every day. Both parties assert that priority usage agreements have been signed with the Chitungwiza City Council. Mr Charova is not willing to extend the hours at which the pool is open because this would incur excessive overtime costs and any variation of hours would not only inconvenience him but would impact on the use of the pool by the general public. In addition to the dispute over the use of the pool itself, the two groups have become increasingly antagonistic. The all-male Under Water Hockey Squad objects to the music played by the synchronized swimmers and claim that discarded hair pins and dislodged nose pegs left on the floor of the pool have caused the hockey players to sustain minor injuries during practice. For their part the women swimmers have taken offence to pictures of scantily clad females which have been placed in communal areas by the Hockey Squad and at the frequent remarks with sexual innuendo made by the Hockey Squad members. The men also have a record of leaving equipment around the pool and expecting the women to clean up at the end of the training sessions.

What would you suggest as the appropriate dispute resolution method suitable for this dispute? Give your reasons.

[30 marks]

SECTION B

Answer any two questions from this section

Question 2

The Arbitration Act (Chapter 7:15) regulates the arbitration laws in Zimbabwe. Discuss the purpose of the Act and the kind of disputes that are arbitrable and non-arbitrable under the Zimbabwean Arbitration system. **[20 marks]**

Question 3

Discuss the procedure to execute a valid final arbitral award. **[20 marks]**

Question 4

Discuss the application of the Arbitration Act to Compulsory Arbitration in Labour Disputes. **[20 marks]**

Total marks: 70

End of examination