



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

P.O. Box 62157

00200 Nairobi - KENYA

MAIN EXAMINATION

Telephone: 891601-6

MAY – AUGUST 2021

Ext 1022/23/25

FACULTY OF LAW

Fax: 254-20-891084

REGULAR PROGRAMME

CLS 308 - INTERNATIONAL ENVIRONMENTAL LAW

Date: AUGUST 2021	Duration: 2 Hours
INSTRUCTIONS: Answer Question ONE and any other TWO Questions	

QUESTION ONE

It was a grand victory for an environmental health case of Jipe residents, whereby Jipe environmental Court awarded them 3 billion shillings for damages related to pollution from a nearby lead smelter that recycled lead-acid batteries. The court ruled that government agencies responsible for enforcing regulations at the plant must pay compensation within 60 days and the site be cleaned up within four months. The facility began operations in 2014, and since then the residents fell sick and community members described health problems consistent with lead poisoning. The smelter closed in March 2019 amid growing public opposition but left a legacy of contamination and lifelong health effects for many. In as much as Jipe government found the smelter violated numerous laws, endangering the health of workers and residents, it did little to remedy the situation.

a) Discuss key relevant aspects that the courts took cognizance in arriving at the said remarkable decision **(20marks)**

b) Jipe government seeks to challenge the said verdict, cite the relevant international environmental obligations that would have resulted in the said liability. **(10marks)**

QUESTION TWO

After a proposal gone sour, Jamal took out his anger on a nearby recreational park by cutting trees, pulling down erected structures and lighting fire. He plans to carry out his destructive ways for four consecutive days unless Sophie accepts his proposal. By the third day so much irreparable damage had been caused to the environment. Chacha learns of the same on social media but is worried about two issues;

a) Will his suit be sustainable since he is not a resident of the said park? **(4marks)**

b) Analyse the appropriate orders expected to be issued by the court against Jamal in such a scenario **(16 marks)**

QUESTION THREE

Zuri, a group of hotel management board has appointed you as the head environmental analyst for an upcoming six star hotel industry near the river banks of Maua village. The board lacks sufficient information on how to go about it since the residents vowed that no industry will be put in place. In the midst of all this havoc the board seeks your expertise on four crucial aspects to be considered for compliance purposes from inception to completion before undertaking the project. Advise the board accordingly. **(20marks)**

QUESTION FOUR

Jaya, a resident of Sukwe County has been bothered by waste disposal caused by Zuma health facility. Jaya desperately approaches you to initiate an action plan to combat the menace. Elaborately outline the action on environmental management mechanism you would put in place.

(20marks)

QUESTION FIVE

In as much as it is the sovereign right of every state to exploit their own resources pursuant to their own environmental and developmental policies, more often you've come to the realisation of the phrase "*the environment is not a respecter of boundaries*",

Using illustrations, discuss the phrase in light of the need to solve global environmental problems. **(20marks)**

DET MAY 2021