



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A MAIN EXAMINATION

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MAY – JULY 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 402: INTERNATIONAL ENVIRONMENTAL LAW

Date: JULY 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. As an activist of international environmental protection and an excellent scholar of environmental law, having studied CLS 402: International Environmental Law in the semester of May-August 2018, you have been approached by Huruma who is worried about the environmental degradation in the Mau Forest and specifically the deforestation. Huruma is informed that the county government has been issuing timber licenses to various persons to cut down trees, in view of the tender awarded to a multi national company to grow flowers for export in the Mau forest. The flower export has been said will create employment and earn the country foreign exchange. Huruma confesses that he is not a resident of Mau area. Huruma also reliably learns that among those not issued with a timber license is Tamaa who has been secretly cutting down the trees, to the extent that a quarter of the Mau is now bare due to his wanton cutting down of trees, several bird species have almost become extinct, the rivers are almost dried up, dust storms have become common and airborne diseases increased. Investigations have been launched by the county government to confirm whether there is a link between the cited effects and the cutting down of trees. In view of this, others argue that no action should be taken for example stopping the cutting of trees, until this report is ready.

Huruma in his quest to protect the Mau forest approaches you.

He seeks a detailed legal opinion on the question of *locus standi and relevant case law*, appropriate court to petition, what theories and principles to cite in his submissions, what relevant legal instruments and provisions both national and international and case law to anchor the said submissions and what remedies to seek.

(30 Marks)

- Q2. As a scholar of international environmental law critically analyse the Stockholm and Rio Declarations of 1972 and 1992 respectively and explain the contribution they have made towards the development and protection of international environmental law. Cite relevant principles, provisions, examples and case law to support your assertions. **(20 Marks)**
- Q3. Discuss the relationship between environmental protection and human rights. Cite relevant legal instruments and case law. **(20 Marks)**
- Q4. It is one thing to promulgate laws and another to implement the said laws. Discuss available implementation mechanisms in the field of environmental law. **(20 Marks)**
- Q5. Write short notes on the following
- a) Sovereign Rights of States over their natural resources **(5 Marks)**
 - b) Sustainable development and environment **(5Marks)**
 - c) Sources of international environmental law **(5Marks)**
 - d) Role international governmental organizations in the area of environmental protection **(5 Marks)**

END