



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

MAY – JULY 2019 TRIMESTER

CENTRE FOR SOCIAL JUSTICE AND ETHICS

SPECIAL / SUPPLEMENTARY EXAMINATION

JPE 107: LEGAL ISSUES IN PEACEBUILDING PROCESSES

Date: MAY 2019

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

1. a) The people of Kenya have experienced several affirmations and negations of the rule of law since August 2017. Describe any **five affirmations** and **five negations** of the rule of law in this period. (20 marks)
b) Explain the relevance of the hierarchy of laws by Thomas Aquinas to the Justice and Peace practitioner. (10 marks)
2. GRACE MUKULU and JANE MUTO are two student leaders at WAKANDA COLLEGE. They have both agreed that they will mobilize their classmates into pooling financial resources together to purchase pieces of land. MUKULU's class raises the necessary money and pays for the land. This class who are 50 of them have agreed that they will hold the land together in ratios of 2:2:2:2:2...etc. MUTO's class raises the necessary money and pays for the land. This class, who are 20 of them, have agreed that they will hold their land together without distinct ratios. Either way the two classes have decided to hold each of their pieces as co-owners. Using the relevant provisions of the Land Registration Act 2012 relating to Co-ownership:
 - a) Distinguish between the CO-OWNERSHIPS of the two classes. i.e. What kind of co-ownership is MUKULU's class having and what kind of Co-ownership is MUTO's class having and WHY do you say so in either case? (6 marks)
 - b) Which of the two co-ownerships would you prefer and Why? (6 marks)
 - c) State the types of landholding in the Kenyan constitution. (8 marks)
3. Explain in detail what you understand by due process rights. (20 marks)
4. a) State the ingredients of a contract. (5 marks)
b) Choose an aspect of the Law of Contract and using its features demonstrate why it is necessary for justice and peace practitioners to be familiar with the law of contract. (15 marks)
5. a) Briefly explain the general defenses in tort. (10 marks)
b) List any ten (10) indicators of hate speech as provided by the NCIC. (10 marks).

END